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TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 900—GENERAL REGULATIONS UNDER THE AGRICULTURAL MARKETING AGREEMENT ACT OF 1937

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary of Agriculture by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the Administrative Procedure Act (60 Stat. 237) the rules of practice and procedure, as amended (7 CFR Supps., 900.1 et seq., 11 F R. 7737), issued under the Agricultural Marketing Agreement Act of 1937, as amended, are hereby further amended as follows:

1. Delete paragraph (d) from § 900.2 *Definitions* and insert in lieu thereof the following:

(d) The term "examiner" means any examiner in the Office of Hearing Examiners, United States Department of Agriculture.

2. Delete from § 900.2 (1) the words "Office of the Solicitor,"

3. Amend § 900.2 (m) to read as follows:

(m) The term "presiding officer" means the examiner conducting a proceeding under the act.

4. Amend the last sentence of paragraph (a) of § 900.3 *Proposals* to read as follows: "If the investigation and consideration lead the Assistant Administrator to conclude that the proposed marketing agreement or marketing order will not tend to effectuate the declared policy of the act, or that for other proper reasons a hearing should not be held on the proposal, he shall deny the application, and promptly notify the applicant of such denial, which notice shall be accompanied by a brief statement of the grounds for the denial."

5. Amend the second sentence of § 900.4 (a) to read as follows:

§ 900.4 *Institution of proceeding*—(a) *Filing and contents of the notice of hearing.* * * * The notice of hearing shall contain a reference to the authority under which the marketing agreement or marketing order is proposed; shall define the scope of the hearing as specifically as may be practicable; shall contain either the terms or substance of the proposed marketing agreement or marketing order or a description of the subjects and issues involved and shall state the industry, area, and class of persons to be regulated, the time and place of such hearing, and the place where copies of such proposed marketing agreement or marketing order may be obtained or examined.

6. Amend § 900.6 (a) to read as follows:

§ 900.6 *Presiding officers*—(a) *Assignment.* No presiding officer who has any precuniary interest in the outcome of a proceeding shall serve as presiding officer in such proceeding.

7. Delete from § 900.6 (b) the words "assigned to him by the Solicitor,"

8. Amend § 900.6 (c) to read as follows:

(c) *Who may act in absence of presiding officer* In case of the absence of the presiding officer or his inability to act, the powers and duties to be performed by him under this part in connection with a proceeding may, without abatement of the proceeding unless otherwise ordered by the Secretary, be assigned to any other presiding officer.

9. Add a new paragraph at the end of § 900.6 to read as follows:

(d) *Disqualification of presiding officer* The presiding officer may at any time withdraw as presiding officer in a proceeding if he deems himself to be disqualified. Upon the filing by an interested person in good faith of a timely and sufficient affidavit of personal bias or disqualification of a presiding officer, the Secretary shall determine the matter as a part of the record and decision in the proceeding, after making such investigation or holding such hearings, or both, as he may deem appropriate in the circumstances.

10. Amend § 900.7 to read as follows:

§ 900.7 *Motions and requests*—(a) *General.* All motions and requests shall be filed with the hearing clerk, except that those made during the course of the hearing may be filed with the presiding

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FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such in parentheses.

[1] See undesignated paragraph following § 102.674 in Title 22.

CODIFICATION GUIDE—Con.

officer or may be stated orally and made a part of the transcript.

Except as provided in § 900.15 (b) such motions and requests shall be addressed to, and ruled on by, the presiding officer if made prior to his certification of the transcript pursuant to § 900.10 or by the Secretary if made thereafter.

"(b) *Certification to Secretary.* The presiding officer may in his discretion submit or certify to the Secretary for decision any motion, request, objection, or other question addressed to the presiding officer.

11. Amend the third sentence of § 900.8 (d) (1) to read as follows:

§ 900.8 *Conduct of the hearing.* * * * (d) *Evidence*—(1) *In general.* * * * Cross-examination shall be permitted to the extent required for a full and true disclosure of the facts.

12. Delete § 900.8 (d) (3) and renumber § 900.8 (d) (4), (5), (6) and (7) as § 900.8 (d) (3), (4), (5) and (6), respectively.

13. Delete from § 900.8 (d) (4) (heretofore § 900.8 (d) (5)) the parenthetical words "(including affidavits) "

14. Amend § 900.8 (d) (5) (heretofore § 900.8 (d) (6) to read as follows:

(5) *Official notice.* Official notice may be taken of such matters as are judicially noticed by the courts of the United States and of any other matter of technical, scientific or commercial fact of established character: *Provided,* That interested persons shall be given adequate notice, at the hearing or subsequent thereto, of matters so noticed and shall be given adequate opportunity to show that such facts are inaccurate or are erroneously noticed.

15. Amend § 900.9 (b) to read as follows:

§ 900.9 *Oral and written arguments.* * * *

(b) *Briefs, proposed findings and conclusions.* The presiding officer shall announce at the hearing a reasonable period of time within which interested persons may file with the hearing clerk proposed findings and conclusions, and written arguments or briefs, based upon the evidence received at the hearing, citing, where practicable, the page or pages of the transcript of the testimony where such evidence appears. Factual material other than that adduced at the hearing or subject to official notice shall not be alluded to therein, and, in any case, shall not be considered in the formulation of the marketing agreement or marketing order. If the person filing a brief desires the Secretary to consider any objection made by such person to a ruling of the presiding officer, as hereinbefore provided in § 900.8 (d) he shall include in the brief a concise statement concerning each such objection, referring where practicable, to the pertinent pages of the transcript.

16. Amend the heading and the first sentence of § 900.10 to read as follows:

§ 900.10 *Certification of the transcript.* The presiding officer shall notify the hearing clerk of the close of a hearing as soon as possible thereafter and of the time for filing written arguments, briefs, proposed findings and proposed conclusions, and shall furnish the hearing clerk with such other information as may be necessary.

17. Amend § 900.12 to read as follows:

§ 900.12 *Assistant Administrator's recommended decision*—(a) *Preparation.* As soon as practicable following the termination of the period allowed for the filing of written arguments or briefs and proposed findings and conclusions the Assistant Administrator shall file with the hearing clerk a recommended decision.

(b) *Contents.* The Assistant Administrator's recommended decision shall include: (1) A preliminary statement containing a description of the history of the proceedings, a brief explanation of the material issues of fact, law, or discretion presented on the record, and proposed findings and conclusions with respect to such issues as well as the reasons or basis therefor: (2) A ruling upon each proposed finding or conclusion submitted by interested persons, and (3) An appropriate proposed marketing agreement or marketing order effectuating his recommendations.

(c) *Exceptions to recommended decision.* Immediately following the filing of his recommended decision the Assistant Administrator shall give notice thereof, and opportunity to file exceptions thereto, to all interested persons in the same manner as provided in § 900.4 (relating to the giving of notice of the hearing) Within a period of time specified in such notice (to be fixed by the Assistant Administrator, but not to exceed 20 days) after the filing of the recommended decision with the hearing clerk, any interested person may then file with the hearing clerk exceptions to the Assistant Administrator's proposed marketing agreement or marketing order, or both, as the case may be, and a brief in support of such exceptions. Such exceptions shall be in writing, shall refer, where practicable, to the related pages of the transcript and may suggest appropriate changes in the proposed marketing agreement or marketing order.

(d) *Omission of recommended decision.* The procedure provided in this section may be omitted only if the Secretary finds on the basis of the record that due and timely execution of his functions imperatively and unavoidably requires such omission.

18. Amend § 900.13 to read as follows:

§ 900.13 *Submission to Secretary.* Upon the expiration of the period allowed for filing exceptions or upon request of the Secretary, the hearing clerk shall transmit to the Secretary the record of the proceeding. Such record shall include: all motions and requests filed with the hearing clerk and rulings thereon; the certified transcript; any proposed findings or conclusions or written arguments or briefs that may have been filed; the Assistant Administrator's recommended decision, if any, and such exceptions as may have been filed.

19. Add a new § 900.13a to read as follows:

§ 900.13a *Decision by Secretary.* (a) After due consideration of the record, the Secretary shall render a decision.

(b) Such decision shall become a part of the record and shall include (1) a statement of his findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law or discretion presented on the record, (2) a ruling upon each proposed finding and proposed conclusion not previously ruled upon in the record, (3) a ruling upon each exception filed by interested persons and (4) either (i) a denial of the proposal to issue a marketing agreement or marketing order or (ii) a marketing agreement and, if the findings upon the record so warrant, a marketing order, the provisions of which shall be set forth directly or by reference, regulating the handling of the commodity or product in the same manner and to the same extent as such marketing agreement, which order shall be complete except for its effective date and any determinations to be made under § 900.14 (b) or § 900.14 (c) *Provided,* That such marketing order shall not be executed, issued, or made effective until and unless the Secretary determines that the requirements of § 900.14 (b) or § 900.14 (c) have been met.

20. Amend § 900.14 to read as follows:

§ 900.14 *Execution of marketing agreement and issuance of marketing order*—(a) *Execution of marketing agreement.* If the Secretary has approved a marketing agreement, as provided in § 900.13a, the Assistant Administrator shall cause copies thereof to be distributed for execution by the handlers eligible to become parties thereto. If and when such number of the handlers as the Secretary shall deem to be sufficient shall have executed the marketing agreement, the Secretary shall execute the same, and notice of its effective date shall be mailed by the hearing clerk to each person signatory thereto. A marketing agreement shall be effective and binding upon any party thereto even though such party may not have received the notice provided for in this paragraph, or the hearing clerk may have failed to mail such notice.

(b) *Issuance of marketing order with marketing agreement.* Whenever, as provided in paragraph (a) of this section, the Secretary executes a marketing agreement, and handlers also have executed the same as provided in section 8c (8) of the act, he shall, if he finds that it will tend to effectuate the purposes of the act, issue and make effective the marketing order, if any, which was filed as a part of his decision pursuant to § 900.13a: *Provided,* That the issuance of such order shall have been approved or favored by producers as required by section 8c (8) of the act.

(c) *Issuance of marketing order without marketing agreement.* If, despite the refusal or failure of handlers to sign the marketing agreement, as provided in section 8c (8) of the act, the Secretary, with the approval of the President, makes the determinations required under section 8c (9) of the act, the Secretary shall issue and make effective the marketing order, if any, which was filed as a part of his decision pursuant to § 900.13a.

(d) *Effective date of marketing order.* No marketing order shall become effective less than 30 days after its publication in the FEDERAL REGISTER, unless the Secretary, upon good cause found and published with the order, fixes an earlier effective date therefor: *Provided,* That no marketing order shall become effective as to any person sought to be charged thereunder before either (1) it has been filed with the Division of the Federal Register, or (2) such person has received actual notice of the issuance and terms of the marketing order.

(e) *Notice of issuance.* After issuance of a marketing order, such order shall be filed with the hearing clerk, and notice thereof, together with notice of the effective date, shall be given in the same manner as hereinbefore provided in § 900.4 (relating to the giving of notice of hearing)

21. Amend § 900.15 (b) to read as follows:

§ 900.15 *Filing; extensions of time; effective date of filing; and computation of time.* * * *

(b) *Extensions of time.* The time for the filing of any document or paper required or authorized by the foregoing provisions of this subpart to be filed may be extended by the presiding officer (before the record is certified by the presiding officer) or by the Assistant Administrator (after the record is so certified by the presiding officer but before it is transmitted to the Secretary) or by the Secretary (after the record is transmitted to the Secretary) upon request filed, and if, in the judgment of the presiding officer, Assistant Administrator, or the Secretary, as the case may be, there is good reason for the extension. All rulings made pursuant to this paragraph shall be filed with the hearing clerk.

22. Add a new § 900.18 to read as follows:

§ 900.18 *Hearing before Secretary.* The Secretary may act in the place and stead of a presiding officer in any proceeding hereunder. When he so acts the hearing clerk shall transmit the record to the Secretary at the expiration of the period provided for the filing of proposed findings of fact, conclusions and orders, and the Secretary shall thereupon, after due consideration of the record, issue his final decision in the proceeding: *Provided,* That he may issue a tentative decision in which event the parties shall be afforded an opportunity to file exceptions before the issuance of the final decision.

23. Delete § 900.51 (d) and insert the following in lieu thereof:

§ 900.51 *Definitions.* * * *

(d) The term "examiner" means any examiner in the Office of Hearing Examiners, United States Department of Agriculture.

24. Delete from § 900.51 (m) the words "Office of the Solicitor,"

25. Amend § 900.51 (n) to read as follows:

(n) The term "presiding officer" means the examiner conducting a proceeding under the act.

26. Amend § 900.51 (o) to read as follows:

(o) The term "presiding officer's report" means the presiding officer's report to the Secretary and includes the presiding officer's proposed (1) findings of fact and conclusions with respect to all material issues of fact, law or discretion, as well as the reasons or basis therefor, (2) order and (3) rulings on findings, conclusions and orders submitted by the parties.

27. Add a new paragraph at the end of § 900.51 to read as follows:

(p) The term "petition" includes an amended petition.

28. Amend § 900.52 (c) to read as follows:

§ 900.52 *Institution of proceeding.* * * *

(c) *Application to dismiss petition—(1) Filing, contents, and responses thereto.* If the Assistant Administrator is of the opinion that the petition, or any portion thereof, does not substantially comply, in form or content, with the act or with the requirements of paragraph (b) of this section, or is not filed in good faith, or is filed for purposes of delay, he may, within 30 days after the filing of the petition, file with the hearing clerk an application to dismiss the petition, or any portion thereof, on one or more of the grounds stated in this paragraph. Such application shall specify the grounds of objection to the petition and if based, in whole or in part, on allegations of fact not appearing on the face of the petition, shall be accompanied by appropriate affidavits or documentary evidence substantiating such allegations of fact. The application may be accompanied by a memorandum of law. Upon receipt of such application, the hearing clerk shall cause a copy thereof to be served upon the petitioner, together with a notice stating that all papers to be submitted in opposition to such application, including any memorandum of law, must be filed by the petitioner with the hearing clerk not later than 20 days after the service of such notice upon the petitioner. Upon the expiration of the time specified in such notice, or upon receipt of such papers from the petitioner, the hearing clerk shall transmit all papers which have been filed in connection with the application to the Secretary for his consideration.

(2) *Decision by Secretary.* The Secretary, after due consideration, shall render a decision upon the application, stating the reasons for his action. Such decision shall be in the form of an order and shall be filed with the hearing clerk who shall cause a copy thereof to be served upon the petitioner and a copy thereof to be transmitted to the Assistant Administrator. Any such order of the Secretary shall be a final order: *Provided,* That within 20 days following the service upon the petitioner of a copy of an order of the Secretary dismissing the petition, or any portion thereof, on the ground that it does not substantially comply in form and content with the act or with paragraph (b) of this section, the petitioner shall be permitted to file an amended petition.

(3) *Referral to presiding officer.* The Secretary may, in his discretion, refer any application made under this section to the presiding officer for preliminary consideration and report, and, in a proper case, for the taking of evidence: *Provided,* That the provisions of §§ 900.60 to 900.65, inclusive, shall be applicable to the reception of such evidence, if any: the form, content, and filing of such report; the allowance of exceptions thereto; and transmittal of the record to the Secretary.

(4) *Oral argument.* Unless a written application for oral argument is filed by a party with the hearing clerk not later than the time fixed for filing papers in opposition to the application, it shall be considered that the party does not desire oral argument. The granting of a request to make oral argument shall rest in the discretion of the Secretary or the presiding officer, as the case may be.

29. Add a new § 900.52a to read as follows:

§ 900.52a *Answer to petition—(a) Time of filing.* Within 30 days after the filing of the petition, the Assistant Administrator shall file an answer thereto: *Provided,* That if an application to dismiss the petition, in whole or in part, is made pursuant to § 900.52 (c), the answer shall be filed within 15 days after the filing of an order of the Secretary denying the application or granting the application with respect to only a portion of the petition. The answer shall be filed with the hearing clerk who shall cause a copy thereof to be served promptly upon the petitioner.

(b) *Contents.* The answer shall specify which of the material allegations of fact or of law in the petition are controverted and which are not controverted. The answer also may contain affirmative allegations of fact constituting separate defenses and statements of objections to the sufficiency of the whole or any part of the petition.

30. Add a new § 900.52b to read as follows:

§ 900.52b *Amended pleadings.* At any time before the close of the hearing the petition or answer may be amended, but the hearing shall, at the request of the adverse party, be adjourned or recessed for such reasonable time as the presiding officer may determine to be necessary to protect the interests of the parties. Amendments subsequent to the first amendment or subsequent to the filing of an answer may be made only with leave of the presiding officer or with the written consent of the adverse party.

31. Amend § 900.55 to read as follows:

§ 900.55 *Presiding officers—(a) Assignment.* No presiding officer who has any pecuniary interest in the outcome of the proceding, or who has participated in any investigation preceding the institution of the proceding, shall serve as presiding officer in such proceeding.

(b) *Conduct.* The presiding officer shall conduct the proceeding in a fair and impartial manner and shall not discuss ex parte the merits of the proceeding with any person who is or who has been connected in any manner with the proceeding in an advocative or investigative capacity.

(c) *Powers of presiding officers.* Subject to review by the Secretary, as provided elsewhere in this subpart, the presiding officer shall have power to:

(1) Rule upon motions and requests;

(2) Adjourn the hearing from time to time, and change the time and place of hearing;

(3) Administer oaths and affirmations and take affidavits;

(4) Issue subpenas, under the facsimile signature of the Secretary, requiring the attendance and testimony of witnesses and the production of books, records, contracts, papers, and other documentary evidence;

(5) Examine witnesses and receive evidence;

(6) Take or order, under the facsimile signature of the Secretary, the taking of depositions;

(7) Admit or exclude evidence;

(8) Hear oral argument on facts or law;

(9) Consolidate hearings upon two or more petitions pertaining to the same order;

(10) Do all acts and take all measures necessary for the maintenance of order at the hearing and the efficient conduct of the proceeding.

(d) *Who may act in absence of presiding officer* In case of the absence of the presiding officer or his inability to act, the powers and duties to be performed by him under these rules of practice in connection with a proceeding may, without abatement of the proceeding unless otherwise ordered by the Secretary, be assigned to any other presiding officer.

(e) *Disqualification of presiding officer* The presiding officer may at any time withdraw as presiding officer in a proceeding if he deems himself to be disqualified. Upon the filing by an interested person in good faith of a timely and sufficient affidavit of personal bias or disqualification of a presiding officer, the Secretary shall determine the matter as a part of the record and decision in the proceeding, after making such investigation or holding such hearings, or both, as he may deem appropriate in the circumstances.

32. Delete from § 900.56 *Consolidated hearings* the words "the Solicitor or"

33. Delete from paragraph (a) *Time and place* of § 900.60 *Oral hearings before presiding officer* the words "The Solicitor or the presiding officer" and insert, in lieu thereof, the words "The presiding officer."

34. Amend the first sentence of § 900.61 (a) to read as follows:

§ 900.61 *Depositions*—(a) *Procedure in lieu of deposition.* Before any party may have testimony taken by deposition, said party shall, if practicable, submit to the other party an affidavit which shall set forth the facts to which the witness would testify, if the deposition should be taken. * * *

35. Delete from paragraph (b) *Suggested findings of fact, conclusions and orders* of § 900.64 *The presiding officer's report* and § 900.65 *Transmittal of record,* the word "suggested" wherever it appears and insert, in lieu thereof, the word "proposed."

36. Amend § 900.64 (c) to read as follows:

(c) *Presiding officer's report.* The presiding officer, within a reasonable time after the termination of the period allowed for the filing of proposed findings of fact, conclusions, and orders, and briefs in support thereof, shall prepare, upon the basis of the record, and shall file with the hearing clerk, his report, a copy of which (together with notification of the date fixed by the presiding officer for the filing of exceptions thereto) shall be served by the hearing clerk upon each of the parties.

37. Amend paragraph (b) *Service; proof of service* of § 900.69 *Filing; service; extensions of time; effective date of filing and computation of time* by deleting the proviso therein and by deleting from the final sentence the words "or post office receipt."

38. Amend § 900.69 (c) to read as follows:

(c) *Extensions of time.* The time for the filing of any documents or papers required or authorized in this subpart to be filed may be extended upon (1) a written stipulation between the parties, or (2) upon the request of a party, by the presiding officer before the transmittal of the record to the Secretary, or by the Secretary at any other time if, in the judgment of the Secretary or the presiding officer, as the case may be, there is good reason for the extension.

39. Add a new § 900.70, reading as follows:

§ 900.70 *Applications for interim relief*—(a) *Filing the application.* A person who has filed a petition pursuant to § 900.52 may by separate application filed with the hearing clerk apply to the Secretary for an order postponing the effective date of, or suspending the application of, the marketing order or any provision thereof, or any obligation imposed in connection therewith, pending final determination of the proceeding.

(b) *Contents of the application.* The application shall contain a statement of the facts upon which the relief is requested, including any facts showing irreparable injury. The application must be signed and sworn to by the petitioner and any facts alleged therein which are not within his personal knowledge shall be supported by affidavits of a person or persons having personal knowledge of such facts or by proper documentary evidence thereof.

(c) *Answer to application.* Immediately upon receipt of the application, the hearing clerk shall transmit a copy thereof, together with all supporting papers, to the Assistant Administrator, who shall, within 20 days, or such other time fixed by the Secretary, after the filing of the application file an answer thereto with the hearing clerk.

(d) *Contents of answer.* The answer shall contain a statement of the objections, if any, of the Assistant Administrator to the application for interim relief, and may be supported by affidavits and documentary evidence.

(e) *Transmittal to Secretary.* Upon receiving the answer of the Assistant Administrator or upon the expiration of the time for filing the answer, the hearing clerk shall transmit to the Secretary for his decision all papers filed in connection with the application.

(f) *Hearing and oral argument.* The Secretary may, in his discretion, permit oral argument or the taking of testimony in connection with such application. However, unless written request therefor is filed with the hearing clerk prior to the transmittal of the papers to the Secretary, the parties shall be deemed to have waived oral argument and the taking of testimony.

(g) *Decision by Secretary.* The Secretary may grant or deny the application. Any action taken by the Secretary shall be in the form of an order filed with the hearing clerk and shall contain a brief statement of the reasons for the action taken. The hearing clerk shall cause copies of the order to be served upon the parties.

40. Add a new § 900.71 to read as follows:

§ 900.71 *Hearing before Secretary.* The Secretary may act in the place and stead of a presiding officer in any proceeding hereunder. When he so acts the hearing clerk shall transmit the record to the Secretary at the expiration of the period provided for the filing of proposed findings of fact, conclusions and orders, and the Secretary shall thereupon, after due consideration of the record, issue his final order in the proceeding: *Provided,* That he may issue a tentative order in which event the parties shall be afforded an opportunity to file exceptions before the issuance of the final order.

41. Delete from paragraph (k) of § 900.101 *Definitions.* the words "Office of the Solicitor."

NOTE: Unless otherwise ordered all proceedings initiated under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601, et seq.) and pending on December 11, 1946, shall be conducted and concluded in accordance with the applicable rules of practice in effect at the time the proceedings were instituted.

(48 Stat. 37, 49 Stat. 760, 50 Stat. 246, 248; sec. 12, Pub. Law 404, 79th Cong., 60 Stat. 244, 7 U. S. C. 608c (15) (A), 610 (c), 671)

Done at Washington, D. C., this 14th day of February 1947. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

Approved: February 17, 1947.

HARRY S. TRUMAN,
President of the United States.

[F. R. Doc. 47-1652; Filed, Feb. 19, 1947; 8:52 a. m.]

Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

PART 1596—FOOD IMPORTS

STATEMENT OF POLICY RE ISSUANCE OF IMPORT AUTHORIZATIONS UNDER WAR FOOD ORDER NO. 63 FOR COPRA AND COCONUT OIL

Pursuant to the authority vested in me under the provisions of War Food Order No. 63, as amended (12 F. R. 459) and in order to assure equitable distribution of available supplies of imported copra and coconut oil, it is hereby declared to be the policy of the United

States Department of Agriculture to issue or deny the issuance of import authorizations for copra and coconut oil from the Philippines and the Netherlands Indies under said War Food Order No. 63 as provided herein.

§ 1596.5 *Statement of policy re issuance of import authorizations for copra and coconut oil from the Philippines and the Netherlands Indies under War Food Order No. 63*—(a) *Conditions of issuance.* A permit for the importation, for domestic consumption, of not more than 10,000 tons of copra from the Philippines and the Netherlands Indies will be granted, upon application, to any oil seed crusher who crushed copra prior to the publication of this section. A permit for the importation, for domestic consumption, of coconut oil from the Philippines and Netherlands Indies, in a quantity specified by the applicant for the permit, will be granted to any importer who imported coconut oil prior to publication of this section, upon his application and the submission of evidence satisfactory to the Administrator of War Food Order No. 63, that the importer can obtain the specified quantity of such coconut oil in the Philippines and the Netherlands Indies.

After a permit has been issued under this section to any person for the importation of copra or coconut oil for domestic consumption and the commodity to be imported under this section has been purchased abroad, such person may obtain a new permit for further importations of copra or coconut oil from the Philippines and the Netherlands Indies upon the submission of evidence satisfactory to the Administrator of War Food Order No. 63, that the commodity covered by the preceding permit has been purchased abroad.

Permits for the trans-shipment of copra and coconut oil from the Philippines and the Netherlands Indies in bond through the United States to specified foreign destinations will be granted to any person upon the submission of evidence satisfactory to the Administrator of War Food Order No. 63 that the quantity of such copra and coconut oil is within the limits of the allocations made by the International Emergency Food Council for the country of destination.

(b) *Procedure.* Applications for import permits under this section for copra and coconut oil may be made by properly executing and filing with the Administrator of War Food Order No. 63, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., Form WFO 63-2, obtainable from said Order Administrator.

(c) *Petition for relief from hardship.* Any person (including, but not limited to, any person who does not have a history of previous crushing of copra or previous importation of coconut oil) who considers that the policy and procedure set forth in this section work an exceptional or unreasonable hardship on him may file a petition for relief with the Administrator of War Food Order No. 63, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. Petitions shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any lawful action with reference to such petitions which is consistent with the authority delegated to him by the Administrator of the Production and Marketing Administration, United States Department of Agriculture. If the petitioner is dissatisfied with the action taken by the Order Administrator, he may, by request addressed to the Order Administrator, obtain a review of such action by the Administrator of the Production and Marketing Administration. After said review, the Administrator of said Administration may take such lawful action as he deems appropriate, which action shall be final.

(d) *Effective date.* The policy and procedure set forth in this section shall be effective during the first three months of 1947. (Sec. 2 (a) 54 Stat. 676, as amended; 50 U. S. C. App. Supp. 1152 (a), E. O. 9280, Dec. 5, 1942, 3 CFR Cum. Supp., E. O. 9579, June 29, 1945, 3 CFR, 1945 Supp.)

Issued this 14th day of February 1947.

F. R. BURKE,
Acting Assistant Administrator for the Administrator

[F. R. Doc. 47-1608; Filed, Feb. 19, 1947; 8:45 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 110—PRIMARY INSPECTION AND DETENTION

DESIGNATION OF BAUDETTE MUNICIPAL AIRPORT, BAUDETTE, MINNESOTA, AS A TEMPORARY AIRPORT OF ENTRY FOR ALIENS

Section 110.3 *Designated ports of entry by aircraft,* Chapter I, Title 8, Code of Federal Regulations is hereby amended by inserting "Baudette, Minn., Baudette Municipal Airport" between "Akron, Ohio, Municipal Airport" and "Bellingham, Wash., Bellingham Airport" in the list in § 110.3 (b) of temporary airports of entry for aliens.

Notice of the proposed designation of the Baudette Municipal Airport as a temporary airport of entry for aliens was published in the FEDERAL REGISTER dated December 13, 1946 (11 F. R. 14284, 14291), pursuant to section 4 of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 238) The designation shall be considered as having become effective on January 1, 1947, the delayed effective date requirements of section 4 (c) of the Administrative Procedure Act being dispensed with for the reasons that (1) the public convenience will be served by making the immigration facilities available at once; (2) no representations in opposition to the designation have been received; and (3) the designation for customs purposes has been made effective on January 1, 1947 (12 F. R. 381) The designation of this airport is based on a determination that a sufficient need exists to justify such designation and the designation is made for the purpose of providing for convenient compliance with immigration requirements.

(Sec. 7 (d), 44 Stat. 572; 49 U. S. C. 177 (d), sec. 1, Reorg. Plan No. V, 3 CFR, Cum. Supp., Ch. IV)

TOM C. CLARK,
Attorney General.

Recommended: January 23, 1947.

T. B. SHOEMAKER,
Acting Commissioner of Immigration and Naturalization.

[F. R. Doc. 47-1618; Filed, Feb. 19, 1947; 8:47 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

Subchapter C—The Foreign Service

[Foreign Service Reg. S-28]

PART 101—DIRECTION AND ORGANIZATION OF FOREIGN SERVICE

PART 102—PERSONNEL ADMINISTRATION

PART 104—ADMINISTRATION

MISCELLANEOUS AMENDMENTS

1. Under authority contained in R. S. 161 (5 U. S. C. 22) and pursuant to section 302 of the Foreign Service Act of 1946 (60 Stat. 1001), the Foreign Service Regulations comprising Part 102 of Title 22 of the Code of Federal Regulations are amended by adding the following sections:

§ 102.661 *Class-to-class promotion of staff officers and employees.* A staff officer or employee may be promoted to a vacant position in a higher class at the same or at a higher rate of salary in accordance with the conditions specified below:

(a) *Service.* No staff officer or employee may be promoted unless he has served six months in the class from which promotion is to be made. Ordinarily promotions are made only to the next higher class. However, an employee may be promoted to any class for which he possesses the requisite qualifications.

(b) *Efficiency.* No staff officer or employee may be promoted unless his services meet the standards required for the efficient conduct of the work of the Foreign Service.

(c) *Qualifications.* No staff officer or employee may be promoted unless he has demonstrated that he possesses the qualifications stipulated in the standards for promotion issued by the Director General of the Foreign Service. Promotions to positions for which qualification standards have not been established may be effected if the officer or employee is otherwise qualified, on the basis of his work experience, training, and demonstrated capacity for performing the duties and responsibilities of the position in question.

(d) *Advance approval required for promotions.* Until such time as progress in the implementation of the Foreign Service Act permits a greater degree of decentralization of administration, all class-to-class promotions of staff officers and employees will continue to require

advance approval of the Department of State.

(e) *Recommendations for class promotion.* A recommendation for class promotion shall be accompanied by a memorandum containing a description of the duties of the position to which promotion is being made and a statement of the pertinent qualifications of the person nominated for the promotion.

(f) *Effective date of class promotion.* A class promotion shall become effective on the first day of the pay period next following the date of its approval by the Department. (Sec. 641, Foreign Service Act of 1946)

§ 102.669 *In-class promotion of staff officers and employees.* In-class promotions of staff officers and employees shall be allowed subject to the conditions specified below:

(a) *Periodic in-class promotion.* The salary of a staff officer or employee who is paid on a per annum basis and whose salary is not at the highest rate in his class shall be increased to the next higher rate within his class at the beginning of the pay period following completion of 12 months of service since the date of appointment to the class or since the date of the last salary increase, provided he has a current efficiency rating of "Good" or better. The adjustments in salary rates made under authority of section 1105 of the Foreign Service Act of 1946 (60 Stat. 1034) or under the authority of the Federal Employees Pay Act of 1946 (60 Stat. 216) shall not be considered salary increases for the purposes of this section.

(b) *Procedure in effecting in-class promotion.* The Department will prepare a copy of Form FS-349 on each officer or employee at the time he becomes eligible for an in-class promotion and submit it to the principal officer before the effective date of such promotion. The promotion will be made on the effective date indicated on Form FS-349 if the services of the officer or employee meet the standards required for the efficient conduct of the work of the Foreign Service. If, in the opinion of the principal officer, the services of the officer or employee do not meet the established standards, he will return Form FS-349, with an appropriate explanation, to the Department.

(c) *Promotion of persons appointed after previous Governmental service.* Notwithstanding the provisions of paragraph (a) of this section, a person appointed as a Staff officer or employee who was formerly employed in the Foreign Service or any other Government agency at a salary above the minimum rate provided for the class to which he is appointed, may immediately be promoted to any salary rate above the minimum but not in excess of the rate nearest the salary rate which he was receiving in his previous position in another Government agency or in the Foreign Service. (Sec. 642, Foreign Service Act of 1946.)

§ 102.674 *Credit for military service and Merchant Marine service toward class and in-class promotions.* A staff officer or employee who has left his position to enter the armed forces or the Merchant Marine, and who has returned to his position after a separation under honorable conditions from active duty in the armed forces or satisfactory service in the Merchant Marine shall receive credit for such service toward in-class promotions and promotions from class to class.

2. The following sections of the Foreign Service Regulations contained in Title 22 of the Code of Federal Regulations are hereby superseded:

Part 101—§§ 101.8, 101.9, 101.11–101.13;
Part 104—§ 104.10.

(R. S. 161, sec. 302, Pub. Law 724, 79th Cong., 60 Stat. 1001, 5 U. S. C. 22)

This regulation is effective as of November 13, 1946.

For the Secretary of State.

[SEAL] JOHN E. PEURIFOY,
Deputy Assistant Secretary For Administration.

FEBRUARY 14, 1947.

[F. R. Doc. 47-1651; Filed, Feb. 19, 1947; 8:53 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Public Laws 388 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1093]

WRIGHT & COMPANY, INC.

Wright and Company, Inc., a corporation, of St. Louis, Missouri, in September, 1946, began construction of a commercial building at 6121 Delmar Boulevard in St. Louis, Missouri, without authorization from the Civilian Production Administration at an estimated cost of about $13,500. Due to structural changes in the building, the estimated cost thereof exceeded $15,000. On October 8, 1946, the Civilian Production Administration denied authorization on Form CPA-4423 to construct said building at an estimated cost of $25,000. In spite of said denial, Wright and Company, Inc., continued the construction of said building. The beginning and carrying on of such construction was in violation of Veterans' Housing Program Order No. 1 and has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1093 *Suspension Order No. S-1093.* (a) Neither Wright and Company, Inc., its successors or assigns, nor any other person shall do any further construction on the building located at 6121 Delmar Boulevard, St. Louis, Missouri, including completing or altering the structure, unless hereafter authorized in writing by the Civilian Production Administration.

(b) Wright and Company, Inc., shall refer to this order in any application or appeal which it may file with the Civilian Production Administration for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Wright and Company, Inc., its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 19th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1698; Filed, Feb. 19, 1947; 11:13 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order No. S-1099]

SUPERIOR BOAT & MILL CO.

S. W. Drake is an individual doing business as Superior Boat and Mill Company at 3900 North Broadway, St. Louis, Missouri. On November 6, 1946, without authorization from the Civilian Production Administration, he began the construction of a building to be used for manufacturing purposes at 4837 North Broadway, St. Louis, Missouri, which was estimated to cost in excess of $6,000. The size of the building was 40 feet by 100 feet and the cost thereof was in excess of the small job allowance of $1,000 for buildings having less than 10,000 square feet floor area. This construction was in violation of Veterans' Housing Program Order No. 1 and has diverted scarce materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1099 *Suspension Order No. S-1099.* (a) Neither S. W. Drake, doing business as Superior Boat and Mill Company, his or its successors or assigns, nor any other person, shall do any further construction on the premises located at 4837 North Broadway, St. Louis, Missouri, including putting up, completing or altering the structure, unless hereafter authorized in writing by the Civilian Production Administration.

(b) S. W. Drake shall refer to this order in any application or appeal he may file with the Civilian Production Administration relating to the above premises.

(c) Nothing contained in this order shall be deemed to relieve S. W Drake, doing business as Superior Boat and Mill

Company, or otherwise, his or its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 19th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1697; Filed, Feb. 19, 1947; 11:13 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order 2297]

PART 4—DELEGATIONS OF AUTHORITY

FUNCTIONS RELATING TO SURPLUS REAL PROPERTY

Order No. 2268 (11 F. R. 13267) is revoked and § 4.278 is amended, effective immediately to read as follows:

§ 4.278 *Functions relating to surplus real property.* In accordance with the Surplus Property Act of October 3, 1944 (58 Stat. 765, 50 U. S. C. App. Sup. 1611) as amended, with regulations issued thereunder by the War Assets Administrator, the Bureau of Land Management is authorized and directed to act as the Department's disposal agency with respect to surplus real property in the continental United States, and in the territories and island possessions of the United States. The Director of the Bureau of Land Management may exercise the following powers and authority within the limits specified in the paragraph below as to any surplus real property including surplus personal property to be used or disposed of with surplus real property which has been assigned to the bureau for disposition under the said act and regulations: to execute deeds, conveyances, leases, permits, contracts, and other documents necessary or appropriate in the course of the administration and disposition of such property. The authority herein conferred shall apply to transfers without consideration made in accordance with the applicable provisions of the act and regulations including the provisions requiring approval of such transfers by the War Assets Administrator; to execute certificates of compliance in accordance with the priority provisions of the act and regulations; to delegate any of the powers described above to any employee of the Bureau of Land Management subject to any rules which the Secretary may prescribe. The Director shall keep the Secretary currently advised of any redelegation of power.

The authority delegated herein is subject to the following limitations: before the execution of any deed for property in a territory or island possession of the United States, the proposal for conveyance of the property shall be submitted to the Director, Division of Territories and Island Possessions for his endorsement. The powers and authority delegated herein shall not extend to the execution of any deed or conveyance for which a consideration of $100,000 or more is to be paid unless the conveyance is based upon a priority claim.

(Sec. 8, 58 Stat. 768, 50 U. S. C. App. Sup. 1617)

OSCAR L. CHAPMAN,
Acting Secretary of the Interior

FEBRUARY 11, 1947.

[F. R. Doc. 47-1594; Filed, Feb. 19, 1947; 8:48 a. m.]

Chapter I—Bureau of Land Management, Department of the Interior

PART 50—ORGANIZATION AND PROCEDURE

SUBPART A—ORGANIZATION

Section 50.1 (11 F. R. 177A-194) is amended, effective immediately, to read as follows:

§ 50.1 *Purpose.* The Bureau of Land Management administers the federal laws relating to the public domain, which comprises at this time approximately three-quarters of a billion acres in the continental United States and its territories and island possessions. As the manager of the public domain, the Bureau administers the mining, mineral leasing and homestead laws, supervises the federal range, conducts surveys, classifies lands as to proper uses, and in general is responsible for matters involving the public lands. The basic objectives of the Bureau are the conservation, proper utilization and disposal of the natural resources of the public domain. It also has jurisdiction over minerals in certain acquired lands. In addition, the Bureau acts as a disposal agency for surplus real property in the United States and in its territories and island possessions assigned to it by the War Assets Administration. (Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

OSCAR L. CHAPMAN,
Acting Secretary of the Interior

FEBRUARY 11, 1947.

[F. R. Doc. 47-1595; Filed, Feb. 19, 1947; 8:48 a. m.]

PART 50—ORGANIZATION AND PROCEDURE

DELEGATION OF AUTHORITY

CROSS REFERENCE: For authorization of the Bureau of Land Management to act as the Department's disposal agency with respect to surplus real property in the continental United States, and in the Territories and Island Possessions of the United States, and of the Director of the Bureau of Land Management to exercise certain powers and authority, see § 4.278 of this title, *supra.*

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Docket No. 3666]

PARTS 71-85—TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

HANDLING CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 12th of February A. D. 1947.

It appearing, that pursuant to section 233 of the Transportation of Exposives Act approved March 4, 1921 (41 Stat. 1445) and Part II of the Interstate Commerce Act, the Commission has formulated and published certain regulations for transportation of explosives and other dangerous articles;

It further appearing, that by notice dated November 22, 1946, these proposals were circulated among all parties of record, specifying the changes proposed for our approval;

It further appearing, that in said notice it was stated that it is desired that comments concerning the merits or deficiencies of this proposal be submitted to the Commission in writing within 30 days from the date of the notice; otherwise the Commission may proceed to investigate and determine the matters involved, or may suspend action pending formal hearing;

It further appearing, that amendments to section 589 to the aforesaid regulations as set forth in provisions made part hereof are necessary;

It is ordered, That the aforesaid regulations for transportation of explosives and other dangerous articles be, and are hereby, amended as follows:

PART 4—REGULATIONS APPLYING PARTICULARLY TO CARRIERS BY RAIL FREIGHT (CFR 80)

Superseding and amending all of sec. 589 (*Handling cars*), orders of Aug. 16, 1940, Feb. 26, 1942, Oct. 28, 1942, and April 13, 1943, to read as follows:

589 HANDLING CARS

Definitions

As used in this section, the term:

(1) "Person" means any individual, partnership, corporation, association, joint stock company, business trust or other organized group of persons, or any trustee, receiver, assignee, or personal representative, and includes any department or agency of the United States, any State, the District of Columbia, or any other political, governmental or legal entity;

(2) "Railroad" means any person engaged in transportation as a common carrier by rail and includes its agents or employees;

(3) "Engine" means any locomotive, propelled by any form of energy, used by a railroad;

(4) "Freight car" means any vehicle used for the transportation of property by rail;

(5) "Passenger car" means any vehicle used for the transportation of passengers by rail;

(6) "Combination car" means any vehicle used for the transportation of both property and passengers by rail;

(7) "Occupied caboose" means any vehicle used by railroad employees, caretakers, or others authorized to ride therein;

(8) "Freight train" means one or more engines coupled with one or more freight cars and with or without an occupied caboose;

(9) "Passenger train" means one or more engines coupled with one or more passenger cars carrying passengers;

(10) "Mixed train" means one or more engines coupled with freight and passenger cars;

(11) "Placarded car" shall be construed to embrace also any car which under these regulations is required to be placarded.

Placards on Cars

(a) (1) A car requiring car certificates and "Explosives" "Dangerous" or "Poison Gas" placards under the provisions of these regulations shall not be transported unless such freight car is at all times placarded and certificated as required by these regulations.

(a) (2) At points where trains stop for inspection of equipment, changes of engines, cabooses, or crews, cars placarded "Explosives" and adjacent cars shall be inspected; such cars shall continue in movement only when inspection shows them to be in condition for safe transportation.

Switching Cars Containing Explosives or Poison Gas

(b) (1) A car placarded "Explosives" or placarded "Poison Gas" shall not be cut off while in motion. No car moving under its own momentum shall be allowed to strike any car placarded "Explosives" or placarded "Poison Gas" No freight car placarded "Explosives" or placarded "Poison Gas" shall be coupled into with more force than is necessary to complete the coupling.

(b) (2) When transporting a car placarded "Explosives" in terminals, yards, side tracks, or sidings, such cars shall be separated from the engine by at least one non-placarded car.

(b) (3) Closed cars placarded "Explosives" shall have doors closed before they are moved.

Switching of Cars Containing Dangerous Articles

(c) (1) In switching operations where use of hand brakes is not necessary, a placarded loaded tank car, or a draft which includes a placarded loaded tank car shall not be cut off until the preceding car or cars clear the ladder track and the draft containing the placarded loaded tank car, or a placarded loaded tank car shall in turn clear the ladder before another car is allowed to follow.

(c) (2) In switching operations where hand brakes are used, it shall be determined by trial that a car placarded "Dangerous" or that a car occupied by a rider in a draft containing a car placarded "Dangerous" has its hand brakes in proper working condition before it is cut off.

Placement of Freight Cars Containing Explosives, in Yards, on Sidings, or Sidetracks

(d) (1) Cars placarded "Explosives" shall be so placed that they will be safe from all danger of fire. Freight cars placarded "Explosives" shall not be placed under bridges or overhead highway crossings, nor in or alongside of passenger sheds or stations.

Notice to Crews of Cars Containing Explosives in Train

(e) (1) At all terminals or other places where trains are made up, the railroad shall execute a consecutively numbered notice showing the location in the freight train of every car placarded "Explosives" A copy of such notice shall be delivered to the train and engine crew and a copy thereof showing delivery to the train and engine crew shall be kept on file by the railroad at each point where such notice is given. At points other than terminals where train or engine crews are changed, the notice shall be transferred from crew to crew.

Position in Train of Cars Containing Explosives

(f) (1) In a train either at rest or during transportation thereof, a car placarded "Explosives" shall, when the length of the train permits, be not nearer than the sixteenth car from the engine or occupied caboose; and shall, when the length of the train will not permit them to be so placed, be as near as possible to the middle of the train.

(f) (2) In a freight train or mixed train either at rest or during transportation thereof, a car placarded "Explosives" or a placarded loaded tank car shall not be next to:

1. Occupied passenger car.
2. Occupied combination car.
3. Engine.
4. Car placarded "Poison Gas"
5. Wooden under-frame car.
6. Loaded flat car.
7. Open-top car when any of the lading extends or protrudes above or beyond the ends or sides thereof.
8. Car equipped with automatic refrigeration of the gas-burning type.
9. Car containing lighted heaters, stoves, or lanterns.
10. Car loaded with live animals or fowl, occupied by an attendant.
11. Car placarded "Dangerous"

Position in Train of Loaded Placarded Tank Cars

(g) (1) In a train either at rest or during transportation thereof, a placarded loaded tank car shall not, when the length of the train permits, be nearer than the sixth car from the engine or occupied caboose, but in no instance nearer than the second car in such train unless the entire train consists of such cars.

Position in Train of Cars Placarded "Poison Gas" or Containing Poison Liquids Class A

(h) (1) In a train either at rest or during transportation, a car placarded "Poison Gas" or containing poison liquid Class A shall not be next to other freight cars placarded "Explosives" or cars placarded "Dangerous"

Position in Train of Cars Placarded "Explosives" and "Poison Gas" or Containing Poison Liquids When Occupied by Cars Carrying Gas Handling Crews

(i) (1) A car placarded "Poison Gas" or containing poison liquids Class A in drums, tanks or bombs, or a car placarded both "Explosives" and "Poison Gas" shall at all times be next to and ahead of the car occupied by gas handling crews, when accompanying such car.

Cars Containing Explosives or Poison Gas and Tank Cars Placarded "Dangerous" in Passenger or Mixed Trains

(j) (1) Cars containing explosives, Class A, poison gases or liquids, Class A, and tank cars requiring "Dangerous" placards shall not be transported in a passenger train. Such cars may be transported in mixed trains, but only between points between which freight train service is not operated.

(j) (2) Cars containing explosives, Class A, poison gases or liquids, Class A, and tank cars placarded "Dangerous" shall not be transported next to occupied cabooses or cars carrying passengers in mixed trains.

(j) (3) When a car containing explosives, Class B, or dangerous articles other than explosives requiring labels (not including Class A poison gases or liquids) is moved in a mixed train and such car is not occupied by an employee of the carrier, placards must be applied to the car as required by these regulations.

It is further ordered, That this order shall become effective on May 15, 1947, and shall remain in full force and effect until further order of the Commission;

And it is further ordered, That a copy of this order shall be served upon all parties of record herein; and notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register. (41 Stat. 1445, 49 Stat. 546, 52 Stat. 1237, 54 Stat. 921, 56 Stat. 176, 18 U. S. C. 383, 49 U. S. C. and Sup. 304)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-1602; Filed, Feb. 19, 1947; 8:46 a. m.]

[S. O. 634, Corr.]

PART 95—CAR SERVICE

NEW YORK HARBOR LIGHTERAGE RESTRICTIONS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 12th day of February A. D. 1947.

It appearing, that the movement of import and export freight through the Port of New York is overtaxing the lighterage facilities and causing a shortage of lighterage equipment in that Port, and that certain steamship companies

are delaying lighterage vessels at shipside and under other conditions thereby aggravating the shortage of such equipment; in the opinion of the Commission an emergency requiring immediate action exists in the lighterage limits of the Port of New York, it is ordered, that:

§ 95.684 *New York harbor lighterage restrictions*—(a) *Definitions.* (1) The term "common carrier" as used in this section means a common carrier by railroad subject to Part I of the Interstate Commerce Act.

(2) The term "lighterage" as used in this section means a service performed by a common carrier by the use of a special type of equipment to ferry or float freight from points on shore to vessels within the lighterage limits of the Port of New York.

(b) *Notice required for lighterage service.* No common carrier, or its lighterage agent, operating in the Port of New York, shall accord lighterage delivery of freight (except perishable) to a steamship within the lighterage limits of the Port of New York when the lighterage order requires or requests lighterage delivery before the expiration of forty-eight (48) hours from the hour of receipt of such order in the railroad's lighterage office.

(c) (1) *Appointment of agent to restrict lighterage.* G. C. Randall, 30 Vesey Street, New York (7) New York, is hereby designated and appointed as agent of the Interstate Commerce Commission and vested with authority to restrict lighterage service within the lighterage limits of the Port of New York in accordance with the following directions:

(2) *Directions to agent.* The agent is hereby directed to prohibit by order any common carrier operating in the Port of New York from performing any further lighterage delivery on orders previously accepted and from accepting any further orders for delivery of freight in lighterage service to a specific steamship when such steamship as of 7:00 a. m., on any week day has held five (5) or more loaded or partially loaded lighterage vessels longer than forty-eight (48) hours (Sundays and holidays excluded) for two (2) consecutive days (Sundays and holidays excluded) providing such equipment was placed on or after the date and time specified in the lighterage order. When such equipment is placed in advance of a specified time, time will be computed from the date specified in the lighterage order.

(3) *Agent's orders to be vacated.* Any order issued by the agent in compliance with directions of subparagraph (2) of this paragraph shall be cancelled by the agent as of 7:00 a. m., of any day, the number of loaded or partially loaded railroad lighterage vessels held over forty-eight (48) hours has been reduced below five (5) for the specific steamship.

(4) *Copies of orders to be furnished.* Copies of all orders and vacations of orders issued by the said agent shall be mailed daily to the Director of the Bureau of Service, Interstate Commerce Commission, Washington (25) D. C.

(d) *Effective date.* This section shall become effective at 7:00 a. m., February 17, 1947.

(e) *Expiration date.* This section shall expire at 7:00 a. m., April 17, 1947, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W P. BARTEL, *Secretary.*

[F. R. Doc. 47–1604; Filed, Feb. 19, 1947; 8:45 a. m.]

[S. O. 82, Amdt. 3]

PART 96—JOINT USE OF TERMINALS

JOINT USE OF TERMINALS AT LOUISVILLE, KY., FOR LIVESTOCK

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 14th day of February, A. D. 1947.

Upon further consideration of the provisions of Service Order No. 82 (8 F. R. 8515) as amended (11 F R. 8451, 9452) and good cause appearing therefor: it is ordered, that:

Section 96.3 *Joint use of terminals at Louisville, Ky., for livestock,* of Service Order No. 82, as amended, be, and it is hereby, further amended by adding the following paragraph:

This section, as amended, shall expire at 11:59 p. m., June 30, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., February 23, 1947, and it shall vacate and supersede Amendment No. 2 to Service Order No. 82 on the effective date hereof; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W P BARTEL, *Secretary.*

[F. R. Doc. 47–1606; Filed, Feb. 19, 1947; 8:46 a. m.]

[S. O. 648, Amdt. 4]

PART 95—CAR SERVICE

PERMIT REQUESTED FOR BULK GRAIN

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 14th day of February, A. D. 1947.

Upon further consideration of Service Order No. 648 (11 F. R. 14171), as amended (11 F R. 14245, 14523; 12 F. R. 754), and good cause appearing therefor it is ordered, that:

Section 95.648 *Permit required for bulk grain,* of Service Order No. 648, be and it is hereby, further amended by substituting the following paragraph (d) (2) for paragraph (d) (2) thereof:

(d) *Appointment of agents.* * * *

(2) The following permit agents are hereby designated and appointed by the Interstate Commerce Commission for the purpose of accepting applications and issuing the permits required by paragraph (b) of this section:

Permit agent	Address	Station
H. H. Foreman	552 New Customhouse, Denver 2, Colo.	Denver, Colo.
E. R. Weimer	302 U. S. Courthouse, Kansas City, Mo.	Atchison, Copeland, Dodge City, Hutchinson, Salina, Newton, Topeka, Wellington, Whitewater, and Wichita, Kans., Kansas City and St. Joseph, Mo.
J. E. Youngman	938 New Federal Bldg., St. Louis, Mo.	St. Louis and Sikeston, Mo.
L. A. Denison	415B U. S. Post Office, Omaha, Nebr.	Fremont, Lincoln, Nebraska City, and Omaha, Nebr.; Council Bluffs, Iowa.
C. T. Aspelmier, J. G. Harris.	505 Burt Bldg., Dallas, Tex.	Alva, Blackwell, Enid, Thomas and Woodward, Okla., Amarillo, Dallas, Fort Worth, Greenville and Plainview, Tex.

It is further ordered, that this amendment shall become effective at 12:01 a. m., February 17, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U. S. C. 1 (10–17))

By the Commission, Division 3.

[SEAL] W P BARTEL, *Secretary.*

[F. R. Doc. 47–1603; Filed, Feb. 19, 1947; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 904]

HANDLING OF MILK IN THE GREATER BOSTON, MASS., MARKETING AREA

NOTICE OF REPORT AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND TO A PROPOSED AMENDMENT

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Cum. Supp., 900.1 et seq., 10 F. R. 11791) notice is hereby given of the filing with the hearing clerk of this report of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture with respect to a marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.) Interested parties may file exceptions to this report with the Hearing Clerk, Room 0306, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 20th day after publication of this report in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

The proceeding was initiated by the Production and Marketing Administration as a result of requests received from cooperative associations of producers and from handlers of milk in the Boston milk shed.

A public hearing was held at St. Johnsbury, Vermont, on February 1 and 2, 1946, and continued at Boston, Massachusetts, on February 4–9, February 15–16, and March 11–13, 1946.

Several proposals for amendments were discussed at the hearing and recommendations have been made with respect to each of these proposals except those pertaining to service payments to cooperative associations and a time limit on market administrator's audits. This report contains conclusions and recommendations with respect to the service payments to cooperative associations. It is concluded from the study of the record that a time limit on market administrator's audits should not be adopted until a more complete study of its implications can be made and presented at a hearing.

The order includes a plan for payments to all qualified cooperative associations of 1.5 cents per hundredweight on all milk subject to the provisions of Order No. 4 which is marketed by them on behalf of their members. There is provided an additional payment of 5 cents per hundredweight on milk which is received from producers by operating cooperatives and which is sold as Class I milk to proprietary handlers, with certain limitations.

A group of large proprietary handlers proposed that this plan of payments to cooperative associations be reconsidered in its entirety, with a reexamination of the basis for the payments, the need for such payments, and their effectiveness in encouraging sound cooperatives. They maintained that: (1) Basic market supply and demand conditions are the reverse of those in 1940 and 1941 when payments were started, (2) cooperative handlers are not serving the market in the manner that they promised in 1940, (3) special payments to cooperatives are encouraging duplication of plants and excess capacity rather than efficiency, (4) payments to cooperatives represent a competitive advantage for cooperatives, (5) Federal tax exemptions are more than sufficient to encourage the growth of cooperatives, (6) cooperative handlers are now financially able to operate without the payments.

The proprietary handlers argued that at present there is intense competition for milk from producers, with no possibility in the immediate future of any producers being without a market. Market statistics were quoted to show that proprietary handlers, as well as cooperative handlers, provide a reservoir of milk supply for the market and have to have standby facilities for handling Class II milk on a seasonal basis.

There was evidence submitted by both proprietary handlers and cooperatives showing that Class I milk supplied to proprietary handlers by cooperative handlers is charged to handlers at the Class I price plus operating and administrative costs for handling, transportation, and selling. The handlers contended that cooperatives were not entitled to compensation from the market pool for maintaining standby facilities and a reservoir of milk for sale to proprietary handlers in the short season, since proprietary handlers perform the same service without compensation from the pool and the cooperatives collect for the cost of this service from the handlers to whom they sell the milk.

The evidence in the record indicates that the operating cooperatives in the market have not in recent years been obliged to exercise with such vigor their activities in selling milk and maintaining producer bargaining power. Notably the present day cooperative has not been burdened with the difficulties arising from surplus milk production. The cooperative associations have enjoyed the superior bargaining position of a seller of a short commodity. This economic condition has removed the necessity for certain cooperative expenditures.

The operating cooperatives did not defend the present payments of 5 cents per hundredweight on Class I sales to proprietary handlers. One group proposed that there be substituted for the present plan of payments to operating cooperatives a new plan providing for a payment to each qualified operating cooperative at the rate of 2.5 cents per hundredweight of milk received from producers, except that in the case of an operating cooperative maintaining certain city facilities for distributors and selling its Class I milk exclusively to distributors, the rate should be 3.5 cents per hundredweight of milk received from producers. Another operating cooperative proposed the 2.5 cent rate be paid on all milk of operating cooperatives which met certain standards.

The group of operating cooperatives stated that the new plan was designed to make the rates and basis of payment conform with current and prospective marketing conditions and problems.

From all of the evidence submitted at the hearing and arguments contained in briefs which were subsequently filed, it is concluded that the present plan for payments to operating cooperatives should be revised substantially. The present payments of 5 cents per hundredweight to operating cooperatives on Class I milk sold to proprietary handlers should be eliminated. This portion of the payments was attacked sharply by proprietary handlers and even by one large operating cooperative. This basis for making payments was not recommended by any person. Any payments made to an operating cooperative should be on the basis of a specified rate per hundredweight on milk received from producers by such cooperative.

One large bargaining association in the milk shed rested its case on the premise that the only purpose for which payments to cooperatives from the market pool can be justified is to distribute equitably among producers the cost of services performed by the cooperatives for the benefit of all producers in the market. This association maintained that by its very nature a bargaining association which is worthy of recognition or of qualification to receive payments from the pool, must benefit all producers in carrying out its purposes. Such an association enables producers collectively and intelligently to market their product. In its bargaining activities, the association operates to improve marketing conditions to members and nonmembers alike. It seeks to insure the highest possible rates to all producers. Under a market-wide pool the only way in which a bargaining association can obtain a higher rate to its members for their milk is through efforts to maintain the blended price to all producers at a higher level.

Each of the three bargaining associations in the Boston milk shed which are presently qualified to receive payments from the pool submitted evidence to show that in the present and past hearings they had prepared and presented evidence which furnished an adequate basis for constructive amendments to the order. The operating cooperatives maintained that they provided substantially the same services as those provided by bargaining cooperatives and that, fur-

thermore, they offered another service in the maintenance of plant facilities.

One large operating cooperative and one large bargaining cooperative stressed the fact that individual cooperatives perform varying degrees of service for the market in the bargaining and in the operating field. The record indicates some of the differences but does not establish clearly a basis for differentiating between cooperative associations which would be eligible for the higher or lower rates. The bargaining association which proposed the varying schedule suggested that all rates be kept low if the differences could not be established. These two cooperative associations proposed that rates ranging from ¾ cent to 1½ cents per hundredweight be established for bargaining activities. In view of the lack of basis for establishing such a schedule at this time and the range of only ¾ cent which was suggested, it is concluded that the rate to be paid all cooperative associations for bargaining services should be one cent per hundredweight.

The operating cooperatives maintained that they do assist to a somewhat greater extent than the bargaining associations in the maintenance of producer bargaining power in milk marketing and they showed that the cost of such services was more than bargaining services alone. The maintenance of such producer bargaining power is in the interest of all producers and does benefit all producers. It is recommended that the plan of payments be changed so that the rate to each qualified operating cooperative will be 2 cents per hundredweight on milk received from producers by the cooperative, and so that the rate to each qualified bargaining association will be one cent per hundredweight on milk received from its members by handlers other than the qualified operating cooperatives.

Payment to a bargaining association should be on the basis of a specified rate per hundredweight on milk received from its members by handlers other than qualified operating cooperatives. This change in the basis of computing the payments will afford a more equitable distribution of the payments among cooperatives.

There was conflicting testimony in the hearing record as to the desirability of specifically restricting the purposes for which cooperatives could use the money received in the form of these payments from the pool. The present provisions in this section of the order require each qualified cooperative to make reports to the market administrator, as required by him, with respect to the use of these payments and with respect to the performance of any service or function which is set forth for them as a basis for such payment. It is concluded that this requirement is sufficient for this purpose.

One bargaining association proposed the elimination of the requirement that the payment rate from the pool to a bargaining association must be matched by payments to the association by its members. This requirement is not necessary. An association could not meet the standards necessary for qualification if it did not have an income from the milk of its members equal to at least one cent per hundredweight on such milk. Accordingly, this requirement should be eliminated from this section.

It was proposed also that the requirement that a claim must be filed each month by each association be eliminated and that there should be substituted therefor a provision that the market administrator shall make payments to qualified associations based upon handlers' reports, subject to verification of the receipts and other items on which the amount of such payment is based. This policy would result in the same final payments to associations with less administrative effort on the part of both associations and the market administrator. Handlers' reports are adequate for the purpose of determining the amount of payments under the proposed provisions. Accordingly, the proposal should be adopted.

With the claim procedure in effect it has been necessary to delay complete settlement of original payments to cooperatives for a given delivery period to the end of the second month after the delivery period, and to retain temporarily in reserve more funds than would be necessary with the claim provision eliminated. With the elimination of the claim procedure it is practical to provide that the regular monthly payments to qualified cooperative associations be made on or before the twenty-fifth day after the end of the delivery period to which they apply, at the same time and in the same manner in which handlers' payments from the pool for the same delivery period are made. A provision to this effect should be added to this section of the order and the reserve for such payments should be reduced accordingly.

The Dairy Branch proposed an amendment which would provide clearly that the obligation on the part of a handler to make authorized member deductions for a cooperative association should apply to those producers whose deliveries are the basis for payments to the association from the pool under this section. This proposal is related to the problems raised because of membership in two bargaining associations by the same producer. The handler's obligation to make payments to the association should be restricted to those producers whose milk is the basis also for payments from the pool to the association.

A number of minor changes in the provisions and wording of the section were proposed principally by the market administrator. Such changes, largely for clarification, and none of which materially change the current application of the order or the operations thereunder, should be adopted.

The following proposed amendments to the order, as amended, are recommended as the detailed means by which these conclusions may be carried out. The proposed marketing agreement is not included in this report because the proposals applicable to it would be the same as those contained in the order, as amended, and as proposed here to be further amended.

Proposed Amendments

1. In § 904.9 (b), delete subparagraphs (5) and (6) and substitute therefor the following and insert a new subparagraph (7)

(5) Subtract the total amount of cooperative payments required by § 904.11 (b)

(6) Divide by the total quantity of milk for which a value is determined pursuant to subparagraph (1) of this paragraph;

(7) Subtract not less than four cents nor more than five cents for the purpose of retaining a cash balance in connection with the payments set forth in § 904.10 (b) (2) This result shall be known as the basic blended price for milk containing 3.7 percent butterfat.

2. Delete § 904.11 and substitute therefor the following:

§ 904.11 *Payments to cooperative associations*—(a) *Application and qualification for cooperative payments.* Any cooperative association of producers duly organized under the laws of any State may apply to the Secretary for a determination that it is qualified to receive cooperative payments in accordance with the provisions of this section. Upon notice of the filing of such an application, the market administrator shall set aside for each delivery period, from the funds provided by handlers' payments to the market administrator pursuant to § 904.10, such amount as he estimates is ample to make payment to the applicant, and hold it in reserve until the Secretary has ruled upon the application. Each association shall be entitled to receive such payments from the effective date of its qualification, if the Secretary determines that it meets all of the following requirements.

(1) It conforms to the requirements relating to character of organization, voting, dividend payments, and dealing in products of nonmembers, which are set forth in the Capper-Volstead Act and in the State laws under which the association is organized.

(2) It operates as a responsible producer-controlled marketing association exercising full authority in the sale of the milk of its members.

(3) It systematically checks the weights and tests of milk which its members deliver to plants not operated by the association.

(4) It guarantees payment to its members for milk delivered to plants not operated by the association.

(5) It maintains, either individually or together with other qualified associations, a competent staff for dealing with marketing problems and for providing information to its members.

(6) It constantly maintains close working relationships with its members.

(7) It collaborates with similar associations in activities incident to the maintenance and strengthening of collective bargaining by producers and the operation of a plan of uniform pricing of milk to handlers.

(8) It is in compliance with all applicable provisions of this order.

(b) *Cooperative payments.* On or before the twenty-fifth day after the end of each delivery period, each qualified

association shall be entitled to receive a cooperative payment from the funds provided by handlers' payments to the market administrator pursuant to § 904.10. The payment shall be made under the conditions and at the rates specified in this paragraph, and shall be subject to verification of the receipts and other items upon which such payment is based.

(1) Each qualified association shall be entitled to payment at the rate of one cent per hundredweight on the milk which its producer members deliver to the plant of a handler other than a qualified association; except on milk delivered by a producer who is also a member of another qualified association, and on milk delivered to a handler who fails to make applicable payments pursuant to § 904.10 (b) (2) and § 904.12 within 10 days after the end of the month in which he is required to do so.

(2) Each qualified association shall be entitled to payment at the rate of two cents per hundredweight on milk received from producers at a plant operated by that association.

(c) *Reports relating to cooperative payments.* Each qualified association shall, upon request by the market administrator, make reports to him with respect to its use of cooperative payments and its performance in meeting the requirements set forth as the basis for such payments, and shall file with him a copy of its balance sheet and operating statement at the close of each fiscal year.

(d) *Suspension of cooperative payments.* Whenever there is reason to believe that an association is no longer meeting the qualification requirements, the market administrator shall, upon request by the Secretary, suspend cooperative payments to it, and shall give the association written notice of the suspension. Such suspended payments shall be held in reserve until the Secretary has, after notice and opportunity for a hearing, ruled upon the performance of the association.

(e) *Deductions from payments to members.* (1) Each association which is entitled to receive cooperative payments on milk which its producer members deliver to a handler other than a qualified association may file a claim with the handler for amounts to be deducted from the handler's payments to such members. The claim shall contain a list of the producers, an agreement to indemnify the handler in the making of the deductions, and a certification that that association has an unterminated membership contract with each producer, authorizing the claimed deduction.

(2) In making payments to his producers for milk received during the delivery period, each handler shall make deductions in accordance with the association's claim, and shall pay the amount deducted to the association within 25 days after the end of the delivery period.

This report filed at Washington, D. C., this 14th day of February 1947.

F. R. BURKE,
Acting Assistant Administrator.

[F. R. Doc. 47-1607; Filed, Feb. 19, 1947; 8:45 a. m.]

NOTICES

TREASURY DEPARTMENT

Fiscal Service: Bureau of Public Debt

[1947 Dept. Circ. 801]

SEVEN-EIGHTHS PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES C-1948

OFFERING OF CERTIFICATES

FEBRUARY 17, 1947.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States, for certificates of indebtedness of the United States, designated 7/8 percent Treasury Certificates of Indebtedness of Series C-1948, in exchange for Treasury Certificates of Indebtedness of Series C-1947, maturing March 1, 1947. Approximately $1,000,000,000 of the maturing certificates will be retired on cash redemption.

II. *Description of certificates.* 1. The certificates will be dated March 1, 1947, and will bear interest from that date at the rate of 7/8 percent per annum, payable with the principal at maturity on March 1, 1948. They will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates shall be subject to all Federal taxes, now or hereafter imposed. The certificates shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of certificates applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, subscriptions for amounts up to and including $25,000 will be allotted in full, and subscriptions for amounts over $25,000 will be allotted to all holders on an equal percentage basis, but not less than $25,000 on any one subscription. The basis of the allotment will be publicly announced, and allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for certificates allotted hereunder must be made on or before March 1, 1947, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series C-1947, maturing March 1, 1947, which will be accepted at par, and should accompany the subscription.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 47-1623; Filed, Feb. 19, 1947; 8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 8193]

HENKEL & CIE., A. G.

In re: Stock and bank accounts owned by Henkel & Cie., A. G.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henkel & Cie., G. m. b. H., the last known address of which is Dusseldorf, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany)

2. That Uma, A. G. is a corporation organized under the laws of Switzerland,

whose principal place of business is located at Chur, Switzerland, and is or, since the effective date of Executive Order 8389, as amended, has been owned or controlled by the aforesaid Henkel & Cie., G. m. b. H., and is a national of a designated enemy country (Germany),

3. That Henkel & Cie., A. G. is a corporation organized under the laws of Switzerland, whose principal place of business is located at Basle, Switzerland, and all of whose capital stock is or, since the effective date of Executive Order 8389, as amended, has been owned by the aforesaid Uma, A. G., and is a national of a designated enemy country (Germany),

4. That Henkel & Cie., A. G., Konsortial-Fonds, located at Basle, Switzerland, is an asset of and controlled by the aforesaid Henkel & Cie., A. G., and is a national of a designated enemy country (Germany)

5. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the names of the persons set forth in Exhibit A and presently in the custody of the banks named in Exhibit A, together with all declared and unpaid dividends thereon, and

b. Those certain debts or other obligations of the banks listed in Exhibit B, attached hereto and by reference made a part hereof, arising out of the blocked accounts whose titles are set forth in Exhibit B, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Henkel & Cie., A. G., the aforesaid national of a designated enemy country (Germany)

and it is hereby determined;

6. That to the extent that the persons named in subparagraphs 1, 2, 3 and 4 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F R. 11981)

Executed at Washington, D. C., on February 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

EXHIBIT A

Description of issue and name in which shares are registered	Name of custodian bank	Number of shares	Certificate Nos.
No par value common capital stock of Allied Chemical & Dye Corp., 61 Broadway, New York, N. Y., a New York corporation, registered in the name of Salkeld & Co.	Bankers Trust Co., 16 Wall St., New York, N. Y.	1,000	128596, 128661, 128634, 128673, 128698, 128743, 123700/9 for 100 shares each.
No par value common capital stock of Hercules Powder Company, Wilmington, Delaware, a Delaware corporation, registered in the name of Salkeld & Co.	----do----	10,000	9830/42, 10072, 10157, 10160, 10163, 10165, 10168/9, 10927/8, 14568/89, 16519, 16532/3, 16546/8, 30467/516 for 100 shares each.
No par value common capital stock of Mathieson Alkali Works, Inc., 60 East 42d St., New York, N. Y., a Virginia corporation, registered in the name of Salkeld & Co.	----do----	16,100	36435/6, 36439/76, 36479, 37681/8, 37727/8, 37832/5, 37853, 37870/1, 37906, 37713/8, 38381/6, 38462/3, 38490/1, 38961/3, 38980, 38994/7, 39002/3, 39037, 39043, 39045/6, 39049/50, 39193/512, 39360/7, 39610/2, 39618/22, 39626, 39635, 39724/8, 39762/5, 39774/9, 39781/6, 39800/5, 39816/7, 40120, 41538, 37816/8 for 100 shares each.
No par value common capital stock of The Procter & Gamble Co., Gwynne Bldg., Cincinnati, Ohio, an Ohio corporation, registered in the name of Salkeld & Co.	----do----	14,300	146216 and 168541 for 50 shares each; 45296/312, 45321/7, 45437/42, 47813/4, 48359/61, 48382/3, 48744/5, 48784/5, 48911/2, 48920, 48931, 48921, 48924, 48928/34, 48944/8, 48956/60, 48960, 45993/7, 49022, 49130, 49141, 49197, 49257/60, 49767/8, 49773/7, 49780, 49830/7, 49845/6, 49859, 49868, 49879/80, 49884/5, 49922, 49927, 49940/9, 49948/9, 49962/3, 49974/5, 50003/4, 50037, 50050/1, 50071/2, 50129/9, 50177, 50193, 50206, 50230, 50244, 50258/9, 50290, 50294, 50353/5, 50358, 53373, 57360, 57239/40, 57256/9, 57347/50, 57409/10 for 100 shares each.
No par value $4.50 cumulative preferred capital stock of E. I. duPont de Nemours & Co., 1007 Market St., Wilmington, Del., a Delaware corporation, registered in the name of Zink & Co.	Guaranty Trust Co. of New York, 140 Broadway, New York, N. Y.	1,000	K21031/40 for 100 shares each.
No par value common capital stock of Colgate-Palmolive-Peet Co., 105 Hudson St., Jersey City, N. J., a Delaware corporation, registered in the name of Zink & Co.	----do----	5,000	NC75712/20, NC75722/62 for 100 shares each.
$10 par value common capital stock of Monsanto Chemical Co., St. Louis, Mo., a Delaware corporation, registered in the name of Schmidt & Co.	----do----	1,000	N17173, 17198/9, 17167, 16802, 16754/6, 16627, 16614 for 100 share each.
$10 par value common capital stock of American Cyanamid Co., 30 Rockefeller Plaza, New York, N. Y., a Maine corporation, registered in the name of Charles, Frederic & Co.	Irving Trust Co., 1 Wall St., New York, N. Y.	4,000	7205/44 for 100 shares each.
$10 par value 5-percent cumulative preference capital stock of American Cyanamid Co., 30 Rockefeller Plaza, New York, N. Y., a Maine corporation, registered in the name of Charles, Frederic & Co.	----do----	1,700	254/8, 1778/83, 10606/8, 7867/9 for 100 shares each.
$20 par value common capital stock of E. I. duPont de Nemours & Co., 1007 Market St., Wilmington, Del., a Delaware corporation, registered in the name of Charles, Frederic & Co.	----do----	3,600	181216/17, 183221, 188655/6, 183468, 186499/503, 180100, 179085, 186224/8, 179511, 175018, 187216/7, 182809, 183139, 181165, 181076, 185372, 175073/5, 179892, 179468, 179477, 174895/7 for 100 shares each.
No par value common capital stock of The Procter & Gamble Co., Gwynne Bldg., Cincinnati, Ohio, an Ohio corporation, registered in the name of Charles, Frederic & Co.	----do----	6,000	43996/44005, 43810/19, 43703/802, 43748/52, 41031/40, 43736/40, 43771/5, 43779/83 for 100 shares each.
No par value common capital stock of The Procter & Gamble Co., Gwynne Bldg., Cincinnati, Ohio, an Ohio corporation, registered in the name of Wiley & Co.	Manufacturers Trust Co., 55 Broad St., New York, N. Y.	6,000	NY 55586/55645 for 100 shares each.
No par value common capital stock of Westvaco Chlorine Products Corp., 405 Lexington Ave., New York, N. Y., a Delaware corporation, registered in the name of Wiley & Co.	----do----	3,000	C 10967/10996 for 100 shares each.
$20 par value common capital stock of E. I. duPont de Nemours & Co., 1007 Market St., Wilmington, Del., a Delaware corporation, registered in the name of Egger & Co.	The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y. (branch at 11 Broad St., New York, N. Y.).	400	478541 and 478952 for 50 shares each; 188659, 188948 and 191779 for 100 shares each.

EXHIBIT B

Name and Address of Bank and Title of Blocked Account

Bankers Trust Co., 16 Wall St., New York, N. Y., Rotterdamsche Bankvereeniging, Sub account Henkel & Cie, Rotterdam, The Netherlands.

Guaranty Trust Co., of New York, 140 Broadway, New York, N. Y., Rotterdamsche Bankvereeniging, N. V. Rotterdam, Claimant: Henkel & Cie A. G., Konsortial Fonds.

Irving Trust Co., 1 Wall St., New York, N. Y., Rotterdamsche Bankvereeniging, N. V. General Ruling 11A, "Identified" Account, Rotterdam, Holland.

Manufacturers Trust Co., 55 Broad St., New York, N. Y., Rotterdamsche Bankvereeniging, N. V. Rotterdam, for Beneficial Int. of Henkel & Cie, A. G., Basle, Switzerland.

The Chase National Bank, of the City of New York, 18 Pine St., New York, N. Y., Rotterdamsche Bankvereeniging, N. V Separate Blocked Account as one in which a national

of Germany, Switzerland and The Netherlands has an interest.

The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y., (branch at 11 Broad Street, New York, N. Y.), Rotterdamsche Bankvereeniging, N. V. Clients a/c Rotterdam, Holland.

[F. R. Doc. 47-1646; Filed, Feb. 19, 1947; 8:57 a. m.]

[Vesting Order 8145]

AKIRA UMEMOTO ET AL.

In re: Debts owing to Akira Umemoto and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That each individual whose name and last known address is set forth in Exhibit A, attached hereto and by reference made a part hereof, is a resident of Japan and a national of a designated enemy country (Japan),

2. That each corporation, partnership, association or other business organization whose name and last known address is set fort inh Exhibit A, is a corporation, partnership, association or other business organization organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan)

3. That the property described as follows: Those certain debts or other obligations owing to the individuals or organizations listed in Exhibit A, by the Superintendent of Banks of the State of California and Liquidator of the Yokohama Specie Bank, Ltd., Los Angeles Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, as described opposite the names of said individuals and organizations in Exhibit A, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan),

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Name and last known address of creditor	Description of debt	Amount as of Dec. 31, 1945	APC File No.
Akira Umemoto, Tokyo, Japan.	Fixed deposit certificate No. 68376.	$50.00	F-39-5202-E-1.
	Fixed deposit certificate No. 67638.	100.00	
	Fixed deposit certificate No. 67802.	257.61	
Mitsue Kamemoto, Azabu, Japan.	Fixed deposit certificate No. 69042.	303.00	D-39-5558-E-1.
Harumi Okasaki, Japan	Commercial account entitled Harumi Okasaki.	19.09	D-39-9957-E-1.
	Special deposit entitled Harumi Okasaki.	532.58	
Haruye Kakishita, Motowaki, Japan.	Cashiers check No. 70767	41.48	D-39-5513-E-1.
Kika Kiyota, Japan	Fixed deposit certificate No. 69246.	910.82	D-39-2171-E-1.
The One Hundredth Bank, Ltd., Tokyo, Japan.	Commercial, General Ledger, "Correspondents A/C due to Correspondents."	53,673.36	F-39-659-E-17.
	Temporary receipt account entry dated June 28, 1941.	71.73	
	Temporary receipt account entry dated July 15, 1941.	71.75	
Shuzi Suzuki, also known as G. S. Suzuki, Fusedamura, Japan.	Commercial checking account entitled G. S. Suzuki.	624.88	D-39-12048-E-1.
Shinkichi Yamada, Kanayama, Japan.	Demand deposit certificate No. 61679.	100.00	F-39-5205-E-1.
	Fixed deposit certificate No. 69652.	100.00	
K. Urata, Japan	Cashiers check No. 70786	200.00	F-39-5204-E-1.
	Cashiers check No. 70787	200.00	
S. Takesaki, Kochi-Ken, Japan.	Commercial checking account entitled S. Takesaki.	270.71	F-39-5197-E-1.
Kazuo Takimoto, Japan	Commercial checking account entitled Kazuo Takimoto.	2,793.34	F-39-5193-E-1.
Taimei Industrial Company, Ltd., Tokyo, Japan.	Suspense account, entitled Taimei Industrial Co., Ltd.	137.87	F-39-5194-E-1.
Teruko Satow, Tokyo, Japan.	Commercial checking account entitled Teruko Satow.	175.00	F-39-5192-E-1.
	Fixed deposit certificate No. 66721.	300.00	
Takao Kobayashi, Oaza-Kitanago, Japan.	Commercial checking account entitled Takao Kobayashi.	130.87	F-39-5189-E-1.
I. Kondo, Japan	Commercial checking account entitled I. Kondo.	48.04	F-39-5179-E-1.
Shigeo Morioka, Hototsuya, Japan.	Demand deposit certificate No. 61655.	553.25	F-39-5171-E-1.
Fumiye Fujimoto, Japan.	Fixed Deposit Certificate No. 69035.	600.00	F-39-5543-E-1.
Kinbei Nishibata, Wakayama, Japan.	Demand Deposit Certificate No. 61692.	500.00	D-39-17109-E-1.
Asagoro Yoshioka, Japan.	Fixed Deposit Certificate No. 69510.	1,010.00	D-39-12778-E-1.
Sugizo Fujioka, Shinamimura, Japan.	Commercial checking account entitled Sugizo Fujioka.	$1,424.95	D-39-2903-E-1.
	Fixed deposit certificate No. 69274.	2,032.70	
Daisuke Hozumi, also known as D. Hozumi, Tokyo, Japan.	Demand deposit certificate No. 61416.	17.18	F-39-5222-E-1.
	Temporary receipts account entitled D. Hozumi.	4,100.00	
H. Hori, Japan	Temporary receipts account entitled H. Hori.	4,200.00	F-39-5221-E-1.
	Temporary receipts account entitled H. Hori.	7.20	
K. Umekawa, Japan	Temporary receipts account entitled K. Umekawa.	3,200.00	F-39-5215-E-1.
Matuji Okumoto, Hiroshima, Japan.	Fixed deposit certificate No. 69303.	270.00	F-39-5209-E-1.
Itsuo Okida, also known as Harry Itsuo Okida and as Itsuo Harry Okida, Hiroshima, Japan.	Fixed deposit certificate No. 69309.	1,000.00	F-39-5208-E-1.
Suychiko Okawa, Kumamoto, Japan.	Fixed deposit certificate No. 69152.	100.00	F-39-5207-E-1.
H. Furuya, Japan	Temporary receipts account entitled H. Furuya.	2,845.91	F-39-5241-E-1.
K. Kato, Japan	Temporary receipts account entitled K. Kato.	1,193.57	F-39-5247-E-1.
S. Kimura, Japan	Temporary receipts account entitled S. Kimura.	153.75	F-39-5251-E-1.
Juraku Kishiyama, Japan.	Fixed deposit certificate No. 69315	700.00	F-39-5252-E-1.
K. Maeda, Japan	Temporary receipts account, entitled K. Maeda	333.91	F-39-5253-E-1.
T. Maeda, Japan	Temporary receipts account, entitled T. Maeda	434.23	F-39-5239-E-1.
I. Matsumoto, Japan	Temporary receipts account, entitled I. Matsumoto	129.43	F-39-5261-E-1.
T. Matsumoto, Japan	Temporary receipts account, entitled T. Matsumoto	1,242.09	F-39-5262-E-1.
M. Nakamura, Japan	Commercial checking account, entitled M. Nakamura	633.45	F-39-5263-E-1.
M. Sawada, Japan	Temporary receipts account, entitled M. Sawada	129.09	F-39-5275-E-1.
K. Shiroyama, Japan	Temporary receipts account, entitled K. Shiroyama	194.43	F-39-5273-E-1.
Y. Yamashiro, Japan	Temporary receipts account, entitled Y. Yamashiro	45.91	F-39-5279-E-1.
K. Wakoyama, Japan	Temporary receipts account, entitled K. Wakayama	54.43	F-39-5253-E-1.
George Y. Wada, Japan	Fixed deposit certificate No. 69309.	1,000.00	F-39-5234-E-1.
	Fixed deposit certificate No. 69309.	1,000.00	
	Fixed deposit certificate No. 69309.	400.00	

EXHIBIT A—Continued

Name and last known address of creditor	Description of debt	Amount as of Dec. 31, 1945	APC File No.
Tadashi Ito, Japan	Suspense account, entitled Tadashi Ito.	$153.75	D-39-4924-E-1.
S. Nishi, Japan	Temporary receipts account, entitled S. Nishi.	4,595.91	D-39-15555-E-1.
Minoru Hashimoto, Japan.	Commercial checking account, entitled Minoru Hashimoto.	1,054.00	D-39-18433-E-1.
Nobuaki Oyama, Japan	Fixed deposit certificate No. 69448.	510.00	D-39-18588-E-1.
	Fixed deposit certificate No. 69343.	271.77	
Y. Yamamoto, Japan	Temporary receipts account, entitled Y. Yamamoto.	145.57	F-39-3741-E-1.
Kazuo Doiuchi, Japan	Demand deposit certificate No. 61682.	450.00	D-39-18823-E-1.
	Fixed deposit certificate No. 69512.	50.00	
Hiroshi Yamakawa, Japan.	Fixed deposit certificate No. 68998.	200.00	F-39-4190-E-1.
	Fixed deposit certificate No. 69119.	51.51	
Yasuda Bank, Ltd., also known as The Yasuda Bank, Ltd., Tokyo, Japan.	Commercial, general ledger, "Correspondents A/C due to Correspondents."	2,114.02	F-39-754-E-6.
T. Yagi, Japan	Commercial checking account, entitled T. Yagi.	6,700.00	D-39-591-E-1.
Kenichiro Suga, Japan	Commercial checking account, entitled Kenichiro Suga.	506.58	F-39-5577-E-1.
Ken Nakazawa, Japan	Commercial checking account, entitled Ken Nakazawa.	171.87	F-39-5570-E-1.
K. Masuda, Japan	Temporary receipts account, entitled K. Masuda.	186.85	F-39-5560-E-1.
Yoshio Kobayashi, also known as Y. Kobayashi, Japan.	Commercial checking account, entitled Y. Kobayashi.	161.64	F-39-5553-E-1.
Takeko Rikimaru, Japan.	Fixed deposit certificate No. 63892.	60.00	F-39-5574-E-1.
Kenji Nakauchi, Japan	Commercial checking account, entitled Kenji Nakauchi.	130.63	D-39-15533-E-1.
Kinichi Tada, Japan	Commercial checking account, entitled Kinichi Tada.	215.09	D-39-12707-E-1.
Toworu Ozasa, Japan	Commercial checking account, entitled Dr. Toworu Ozasa.	410.97	D-39-10147-E-1.
	Cashier's check No. 70761, dated Nov. 29, 1941.	2.00	
Soichi Itoh, Japan	Commercial checking account, entitled Soichi Itoh.	4,650.24	D-39-5399-E-1.
Seikichi Hamaguchi, Japan.	Demand certificate of deposit No. 61698.	$180.00	D-39-3462-E-1.
T. Matsuda, Japan	Temporary receipts account, entitled T. Matsuda.	1,970.91	F-39-5176-E-2.
W. Kitagawa, also known as W. A. Kitagawa, Japan.	Commercial checking account, entitled W. Kitagawa.	164.11	F-39-376-E-2.
	Commercial checking account, entitled W. A. Kitagawa.	9,186.45	
Junichi Fujinaka, Japan	Fixed deposit certificate No. 68903.	1,345.70	F-39-5785-E-1.
Hakaru Inasako, Japan	Fixed deposit certificate No. 68493.	1,327.84	D-39-19025-E-1.
Matsuko Kawabata, also known as Matsue Kawabata, Japan.	Fixed deposit certificate No. 69388.	3,060.30	D-39-5885-E-1.
Shigeyoshi Kawabata, Japan.	Fixed deposit certificate, No. 69305.	786.23	D-39-19024-E-1.
Koichiro Kawahara, also known as K. Kawahara, Japan.	Commercial checking account entitled K. Kawahara.	234.43	D-39-16279-E-1.
Katsuyuki Matsumoto, Japan.	Fixed deposit certificates Nos.:		D-39-19022-E-1.
	68920	232.30	
	69375	90.60	
	69504	84.50	
Masami Matsumoto, Japan.	Fixed deposit certificate No. 69163.	200.00	D-39-7064-E-1.
Hiroshi Matsumoto, also known as Roy H. Matsumoto, Japan.	Fixed deposit certificate No. 69555.	200.00	D-39-19023-E-1.
Yosaburo Muramatsu, Japan.	Fixed deposit certificate No. 52372.	164.04	D-39-19023-E-1.
Kahei Miyake, Japan	Demand deposit certificate No. 61620.	160.00	F-39-5786-E-1.
Hisa Yazaki, Japan	Fixed deposit certificate No. 69570.	1,672.17	D-39-669-E-1.
Hatsujiro Shijo, Japan	Fixed deposit certificate No. 69290.	502.04	D-39-19027-E-1.
Satako Tamai, Japan	Fixed deposit certificates Nos..		D-39-19026-E-1.
	69623	407.05	
	69547	1,000.00	
Hiroshi Yamamoto, Japan.	Fixed deposit certificate No. 67045.	204.00	F-39-4784-E-1.
Tsugio Murahashi, Japan.	Fixed deposit certificate No. 68831.	559.04	D-39-18594-E-2.
Takito Yamaguma, Japan.	Commercial checking account entitled Takito Yamaguma.	4,464.25	D-39-18832-E-1.
	Special deposits account entitled Takito Yamaguma.	327.12	
Yatsuka Miyakoda, Tottori-Ken, Seihaku-Gun, Amari-Ko, Japan.	Fixed deposit certificate No. 68575.	2,964.63	F-39-5170-1

[F. R. Doc. 47-1639; Filed, Feb. 19, 1947; 8:57 a. m.]

[Vesting Order 7998]

KEIKO TESHIROGI ET AL.

In re: Debts owing to Keiko Teshirogi and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That each individual whose name is set forth in Exhibit A, attached hereto and by reference made a part hereof, each of whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan),

2. That each corporation, partnership, association or other business organization whose name is set forth in Exhibit A, each of whose last known address is Japan, is a corporation, partnership, association or other business organization organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan),

3. That the property described as follows: Those certain debts or other obligations owing to the individuals or organizations listed in Exhibit A, by the Superintendent of Banks of the State of California and Liquidator of the Yokohama Specie Bank, Ltd., San Francisco Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, as described opposite the names of said individuals and organizations in Exhibit A, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan)

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F R. 11981)

Executed at Washington, D. C., on January 15, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

EXHIBIT A

Name of creditor	Description of debt	Amount as of Dec. 31, 1945	APC File No.	Name of creditor	Description of debt	Amount as of Dec. 31, 1945	APC File No.
Keiko Teshirogi	Fixed deposit account No. 90483.	$247.15	D-39-1348-E-1.	Kaoru Nakashima	Commercial checking account, entitled Kaoru Nakashima.	$70.03	F-39-4470-E-1.
Reiji Hoshino also known as R. Hoshino.	Commercial checking account entitled R. Hoshino.	455.03	D-39-1931-E-2.	Heiji Kato	Commercial checking account, entitled Heiji Kato.	10.24	F-39-4003-E-1.
H. Tanisawa	Traveler's letter of credit No. A 2455, issued Sept. 28, 1940.	1,872.14	F-39-5193-E-1.	Shunzo Kurata, also known as S. Kurata.	Commercial checking account, entitled S. Kurata.	119.72	F-39-3743-E-1.
Futaba Ishii, also known as Mrs. Chuchei Ishii and as F. Ishii.	Fixed deposit account No. 90094.	156.69	D-39-5165-E-2.	Tomitaro Kozai, also known as T. Kozai.	Fixed deposit account No. 5.	400.73	F-39-1030-E-1.
Yoji Hirota, also known as Y. Hirota.	Commercial checking account, entitled Y. Hirota.	90.19	F-39-5220-E-1.	Jiro Kozai	Demand deposit account No. 8501.	50.00	F-39-2257-E-1.
Shigeru Takahashi, also known as S. Takahashi.	Commercial checking account, entitled S. Takahashi.	1,049.65	F-39-5195-E-1.	Taminosuke Miyachi, also known as T. Miyachi.	Commercial checking account, entitled T. Miyachi.	72.14	F-39-2247-E-1.
Yuzo Sato, also known as Y. Sato.	Commercial checking account, entitled Y. Sato.	283.29	F-39-5191-E-1.	Yasuto Otani	Fixed deposit account No. 90094.	1,000.00	F-39-2295-E-1.
Yoshiyuki Akiyama	Commercial checking account, entitled Yoshiyuki Akiyama.	61.37	F-39-5189-E-1.	Mitaro Fujita	Fixed deposit account No. 90091.	1,016.50	F-39-2194-E-1.
Masayuki Hashizume, also known as M. Hashizume.	Commercial checking account, entitled M. Hashizume.	219.37	F-39-5186-E-1.	Dai-Ichi Ginko, Ltd., also known as The Dai-Ichi Ginko, Ltd.	Commercial account, entitled The Dai-Ichi Ginko, Ltd.	5,029.80	F-39-204-E-9.
Shigeo Imai	Commercial checking account, entitled Shigeo Imai.	444.85	F-39-5184-E-1.	Domei News Agency and/or Yoshiyuki Akiyama.	Commercial checking account, entitled Domei News Agency.	600.09	F-39-2044-E-1.
Kazuyoshi Inagaki	Commercial checking account, entitled Kazuyoshi Inagaki.	849.93	F-39-5183-E-1.	Genzaro Ono	Fixed deposit account No. 90094.	1,000.00	D-39-6727-E-1.
Kozo Kaito, also known as K. Kaito.	Fixed deposit accounts Nos.:		F-39-5181-E-1.	Aki Matsuoka	Commercial checking account, entitled Aki Matsuoka.	339.15	D-39-17776-E-1.
	89643	104.44		Tomoyuki Omori	Fixed deposit account No. 90849.	153.35	D-39-12447-E-1.
	89717	104.44		Nakaichiro Fujiwara	Fixed deposit account No. 89347.	4,623.00	F-39-5157-E-1.
	89825	153.30		Takahiko Wakabayashi, also known as T. Wakabayashi.	Commercial checking account, entitled T. Wakabayashi (private a/c).	8.04	F-39-1600-E-1.
	89865	104.44					
	90893	741.93					
Masao Maruyama, also known as M. Maruyama.	Commercial checking account, entitled M. Maruyama.	636.99	F-39-5176-E-1.		Commercial checking account, entitled T. Wakabayashi (official a/c).	6,600.27	
Gohei Matsuda, also known as G. Matsuda.	Fixed deposit account No. 90213.	511.00	F-39-5177-E-1.				
T. Matsuda	Demand certificate of deposit No. 8180.	700.00	F-39-5170-E-1.				
Hiroshi Fuji, also known as H. Fuji.	Commercial checking account, entitled Fuji Transfer Co., by Hiroshi Fuji.	594.73	D-39-3922-E-1.	The Ono Hundredth Bank, Ltd.	Commercial account, entitled The Ono Hundredth Bank, Ltd.	11,015.65	F-39-600-E-15.
Kaneyo Motokane and Yoshiaki Motokane.	Fixed deposit account No. 90913.	3,000.00	F-39-5172-E-1.	Seichi Uno, also known as S. Uno.	Commercial checking account, entitled S. Uno.	9,513.06	D-39-12372-E-1.
Keizo Muraoka	Demand certificate of deposit No. 8463.	62.00	F-39-5168-E-1.	Umo Ikeda, also known as U. Ikeda.	Commercial checking account, entitled U. Ikeda.	7,499.71	D-39-1062-E-1.
Hisao Matsuo	Commercial checking account, entitled Hisao Matsuo.	51.11	D-39-17040-E-1.	Haruo Aoki, also known as H. Aoki.	Commercial checking account, entitled H. Aoki.	6,911.49	D-39-2313-E-1.
Teiji Fujima	Fixed deposit account No. 90376.	2,022.00	F-39-45-E-1.	Yasuyuki Doi, also known as Y. Doi.	Commercial checking account, entitled Y. Doi.	7,754.21	D-39-2735-E-1.
	Commercial checking account, entitled Teiji Fujima.	1,653.34		Yasuda Bank, Ltd., also known as The Yasuda Bank, Ltd.	Commercial account, entitled The Yasuda Bank, Ltd.	5,529.02	F-39-754-E-8.
Oswald Welker	Commercial checking account, entitled Oswald Welker.	133.66	F-28-1760-E-1.	S. Negami	Travelers Letter of Credit No. A 2151, issued Sept. 22, 1940.	1,273.84	F-39-5210-E-1.

[F. R. Doc. 47-1629; Filed, Feb. 19, 1947; 8:59 a. m.]

[Vesting Order 8019]

KIKUYE HAMASAKI

In re: Debts owing to Kikuye Hamasaki. F-39-5225-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kikuye Hamasaki, whose last known address is Wakayama-ken, Higashi-muro-gun, Tahara-mura, Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the property described as follows: Those certain debts or other obligations owing to Kikuye Hamasaki, by the Superintendent of Banks of the State of California and Liquidator of the Yokohama Specie Bank, Ltd., Los Angeles Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, in the total amount of $1,202.00, as of December 31, 1945, arising out of Fixed Deposit Certificate Number 69041, in the face amount of $202.00, and Fixed Deposit Certificate Number 69040, in the face amount of $1,000.00, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1630; Filed, Feb. 19, 1947; 8:58 a. m.]

[Vesting Order 8020]

YOSHITARO HATORI

In re: Debt owning to Yoshitaro Hatori. D-39-4518-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yoshitaro Hatori, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the property described as follows: That certain debt or other obligation owing to Yoshitaro Hatori, by the Superintendent of Banks of the State of California and Liquidator of the Yokohama Specie Bank, Ltd., Los Angeles Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, in the amount of $8,952.07, as of December 31, 1945, arising out of a commercial checking account, entitled Yoshitaro Hatori, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F R. 11981)

Executed at Washington, D. C., on January 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1631; Filed, Feb. 19, 1947; 8:58 a. m.]

RUDOLPH WALDMAN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return the following vested property on or after 30 days from the date of the publication hereof, less any authorized deductions:

Claimant	Claim No.	Vesting Order No.	Property	Location
Rudolph Waldman, Hartford, Conn.	126	205 (7 F. R. 8669)	U. S. Letters Patent No. 2,302,079.	Washington, D. C.

Executed at Washington, D. C., on February 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director*

[F. R. Doc. 47-1647; Filed, Feb. 19, 1947; 8:56 a. m.]

[Vesting Order 8022]

YASUHISA MATSUDAIRA

In re: Debt owing to Yasuhisa Matsudaira, also known as Y. Matsudaira. F-39-5175-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law after investigation, it is hereby found:

1. That Yasuhisa Matsudaira, also known as Y. Matsudaira, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the property described as follows: That certain debt or other obligation owing to Yasuhisa Matsudaira, also known as Y. Matsudaira, by the Superintendent of Banks of the State of California and Liquidator of the Yokohama Specie Bank, Ltd., San Francisco Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, in the amount of $184.26, as of December 31, 1945, arising out of a commercial checking account, entitled Y. Matsudaira, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F R. 11981)

Executed at Washington, D. C., on January 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director*

[F. R. Doc. 47-1632; Filed, Feb. 19, 1947; 8:58 a. m.]

[Vesting Order 8023]

MORINOSUKE OKAWA

In re: Debt owing to Morinosuke Okawa. D-39-9973-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Morinosuke Okawa, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan),

2. That the property described as follows: That certain debt or other obligation owing to Morinosuke Okawa, by the Superintendent of Banks of the State of California and Liquidator of the Yokohama Specie Bank, Ltd., Los Angeles Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, in the amount of $5,785.46, as of December 31, 1945, arising out of a commercial checking account, entitled Morinosuke Okawa, together with any and all accruals therto, and any all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having

been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1633; Filed, Feb. 19, 1947; 8:58 a. m.]

[Vesting Order 8025]

YUTAKA TAKASE

In re: Debt owing to Yutaka Takase, also known as Y. Takase. D-39-13137-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yutaka Takase, also known as Y. Takase, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the property described as follows: That certain debt or other obligation owing to Yutaka Takase, also known as Y. Takase, by the Superintendent of Banks of the State of California and Liquidator of the Yokohama Specie Bank, Ltd., San Francisco Office, % State Banking Department, 111 Sutter Street, San Francisco, California, in the amount of $10,753.27, as of December 31, 1945, arising out of a commercial checking account, entitled Y. Takase, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1648; Filed, Feb. 19, 1947; 8:56 a. m.]

[Vesting Order 8027]

T. UGAYA

In re: Debt owing to T. Ugaya. F-39-5201-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That T. Ugaya, who there is reasonable cause to believe is a subject of Japan and a resident of Japan, is a national of a designated enemy country (Japan)

2. That the property described as follows: That certain debt or other obligation owing to T. Ugaya, by the Superintendent of Banks of the State of California and Liquidator of Yokohama Specie Bank, Ltd., Los Angeles Office, % State Banking Department, 111 Sutter Street, San Francisco, California, in the amount of $265.33, as of December 31, 1945, arising out of Fixed Deposit Certificate Number 64580, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan),

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1634; Filed, Feb. 19, 1947; 8:53 a. m.]

BATES MANUFACTURING CO.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return the following vested property on or after 30 days from the date of the publication hereof, less any authorized deductions:

Claimant	Claim No.	Vesting Order No.	Property	Location
Bates Manufacturing Co., West Orange, N. J.	A-257	671 (8 F. R. 6994)	United States Letters Patent No. 1,893,409.	Washington, D. C.

Executed at Washington, D. C., on January 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1635; Filed, Feb. 19, 1947; 8:53 a. m.]

[Vesting Order 8023]

TEICHI YAMAMOTO

In re: Debt owing to Teichi Yamamoto. D-39-12939-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Teichi Yamamoto, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the property described as follows: That certain debt or other obligation owing to Teichi Yamamoto, by the Superintendent of Banks of the State of California and Liquidator of the Yokohama Specie Bank, Ltd., Los Angeles Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, in the amount of $4,727.81, as of December 31, 1945, arising out of a commercial checking account, entitled Teichi Yamamoto, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR. 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F R. 11981)

Executed at Washington, D. C., on January 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director*

[F. R. Doc. 47-1636; Filed, Feb. 19, 1947; 8:58 a. m.]

CELANESE CORP. OF AMERICA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return the following vested property on or after 30 days from the date of the publication hereof, less any authorized deductions:

Claimant	Claim No.	Vesting Order No.	Property	Location
Celanese Corporation of America, New York, N. Y.	A-420	201 (8 F. R. 625)	United States Letters Patent No. 1,880,067.	Washington, D. C.

Executed at Washington, D. C., on February 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director*

[F. R. Doc. 47-1649; Filed, Feb. 19, 1947; 8:56 a. m.]

[Vesting Order 8124]

MITSUHIRO MOTOYOSHI

In re: Debt owing to Mitsuhiro Motoyoshi, also known as M. Motoyoshi. D-39-7865-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mitsuhiro Motoyoshi, also known as M. Motoyoshi, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the property described as follows: That certain debt or other obligation owing to Mitsuhiro Motoyoshi, also known as M. Motoyoshi, by the Superintendent of Banks of the State of California and Liquidator of the Yokohama Specie Bank, Ltd., San Francisco Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, in the amount of $16,827.27, as of December 31, 1945, arising out of a commercial checking account, entitled M. Motoyoshi, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, subject to all rights of Ira Lillick, if any, in and to the aforesaid debt or other obligation arising by virtue of an instrument of assignment from said Mitsuhiro Motoyoshi, also known as M. Motoyoshi, to said Ira Lillick, dated June 4, 1942,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F R. 11981)

Executed at Washington, D. C., on January 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director*

[F. R. Doc. 47-1637; Filed, Feb. 19, 1947; 8:58 a. m.]

[Vesting Order 8127]

NIPPON MINING CO., LTD.

In re: Debt owing to The Nippon Mining Company, Limited, also known as Nippon Mining Company.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That The Nippon Mining Company, Limited, also known as Nippon Mining Company, the last known address of which is 1-Chome, Tamuracho, Shiba, Tokyo, Japan, is a corporation, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan),

2. That the property described as follows: That certain debt or other obligation owing to The Nippon Mining Company, Limited, also known as Nippon Mining Company, by the Superintendent of Banks of the State of California and Liquidator of The Yokohama Specie Bank, Ltd., San Francisco Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, in the amount of $12,500.00, as of January 11, 1947, arising out of an account entitled Temporary Receipts, Blocked Accounts Nippon Mining Company, Tokyo, Japan, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not

within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1638; Filed, Feb. 19, 1947; 8:58 a. m.]

PETROLITE CORP. LTD.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return the following vested property on or after 30 days from the date of the publication hereof, less any authorized deductions:

Claimant	Claim No.	Vesting Order No.	Property	Location
Petrolite Corp., Ltd., New York, N. Y.	A-267	201 (8 F. R. 625)	U. S. Letters Patent No. 2,000,018.	Washington, D. C.

Executed at Washington, D. C., on February 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1650; Filed, Feb. 19, 1947; 8:56 a. m.]

[Vesting Order 8184]

STEPHAN M. CHAVDAROFF

In re: Estate of Stephan M. Chavdaroff, deceased. File No. D-11-62; E. T. sec. no. 6287.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Krum Chavdaroff, Ivan Chavdaroff, and each of them, in and to the estate of Stephan M. Chavdaroff, deceased,

is property payable or deliverable to, or claimed by nationals of a designated enemy country, Bulgaria, namely,

Nationals and Last Known Addresses

Krum Chavdaroff, Bulgaria.
Ivan Chavdaroff, Bulgaria.

That such property is in the process of administration by Francis J. Mulligan, Public Administrator of the County of New York, as Administrator c. t. a. under the Will of Stephan M. Chavdaroff, deceased, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Bulgaria),

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1640; Filed, Feb. 19, 1947; 8:57 a. m.]

[Vesting Order 8185]

IDA B. DAY

Estate of Ida B. Day, deceased. File D-28-10172; E. T. sec. 14483.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Robert Schaefer, Karl Schaefer, Frederick Schaefer, Minna Stumm and Otto Dieterle, husband of Elise Dieterle, deceased, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country, (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Ida B. Day, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by William Schaefer, Esq., as Administrator, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1641; Filed, Feb. 19, 1947; 8:57 a. m.]

[Vesting Order 8186]

DR. ALEXANDER POTCHINCOFF

In re: Mortgage Participation Certificates Nos. 3 and 4 in Series 101,549 issued to Dr. Alexander Potchincoff by Lawyers Mortgage Company. File D-7-489; E. T. sec. 5277.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dr. Alexander Potchincoff, whose last known address is Bulgaria, is a resident of Bulgaria and a national of a designated enemy country (Bulgaria),

2. That all rights and interests evidenced by Mortgage Participation Certificates Nos. 3 and 4, issued by the Lawyers Mortgage Company under Guaranteed First Mortgage, Series 101,-549, and the right to the transfer and possession of any and all instruments evidencing such rights and interests, is property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Bulgaria)

3. That such property is in the process of administration by John K. Wallace, Karl Propper and Felix A. Muldoon, as Trustees, acting under the judicial supervision of the Supreme Court of Bronx County, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Bulgaria)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F R. 11981)

Executed at Washington, D. C., on February 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-1642; Filed, Feb. 19, 1947; 8:57 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

SAN LUIS VALLEY PROJECT, COLORADO

FIRST FORM RECLAMATION WITHDRAWAL

JANUARY 23, 1947.

Pursuant to the authority delegated by Department Order No. 2238 of August 16, 1946 (43 CFR 4.410) I hereby withdraw the following described lands from public entry, under the first form withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388)

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 40 N., R. 2 E.,
Sec. 14, N½, N½SW¼, SW¼SW¼, N½SE¼, SW¼SE¼;
Sec. 24, NE¼, NE¼NW¼, SW¼, NE¼SE¼, E½NW¼SE¼, NW¼NW¼NW¼SE¼, E½NW¼NW¼SE¼, NE¼NE¼SW¼SE¼, W½NW¼SW¼SE¼, SW¼SW¼SE¼, SW¼SE¼SW¼SE¼, N½SE¼SE¼SE¼, NE¼SW¼SE¼SE¼, N½SE¼SE¼SE¼, SE¼SE¼SE¼SE¼;
Sec. 25, SW¼NW¼NE¼NE¼, SW¼NE¼NE¼, SW¼SE¼NE¼NE¼, NW¼NE¼, S½NE¼, W½, SE¼.
T. 39 N., R. 3 E.,
Secs. 1 to 12 and 15 to 21, incl., all.
T. 40 N., R. 3 E.,
Sec. 21, N½, SW¼N½SE¼, SW¼SE¼,
Sec. 22, N½, N½SW¼, SE¼SW¼, SE¼,
Sec. 23, NE¼, E½NW¼, S½,
Sec. 31, all.
T. 39 N., R. 3½ E.,
Secs. 1 and 12, all.

The above areas aggregate 15,209.68 acres.

MICHAEL W STRAUS,
Commissioner

I concur. The records of the Bureau of Land Management and of the District Land Office will be noted accordingly.

JANUARY 29, 1947.

THOS. C. HAVELL,
Acting Assistant Director

[F. R. Doc. 47-1596; Filed. Feb. 19, 1947; 8.48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2002]

PIONEER AIR LINES, INC.

NOTICE OF HEARING

In the matter of the petition of Pioneer Air Lines, Inc., (formerly Essair, Inc.) under section 406 of the Civil Aeronautics Act of 1938, as amended, for an order temporarily fixing and determining the fair and reasonable rates of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith over its route No. 64.

Notice is hereby given that hearing in the above-entitled proceeding is assigned to be held on February 21, 1947, 10:00 a. m. (eastern standard time) in Room 1302, Temporary "T" Building, 14th Street and Constitution Ave. NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated: Washington, D. C., February 17, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-1617; Filed, Feb. 19, 1947; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 7162, 7991, 7992, 7993, 7994, 7995]

LOUISIANA BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re: Applications of Roy Hofheinz and W N. Hooper, d/b as Louisiana Broadcasting Company, New Orleans, La., Docket No. 7162, File No. BP-4260; Bayou Broadcasting Company, Incorporated, Baton Rouge, Louisiana, Docket No. 7991, File No. BP-5453; Patroon Broadcasting Company, Inc., Albany, New York, Docket No. 7992, File No. BP-4611, Texhoma Broadcasting Company, Durant, Oklahoma, Docket No. 7993, File No. BP-5112; East-West Broadcasting Company, Fort Worth, Texas, Docket No. 7994, File No. BP-4524; Western Waves, Inc., Seattle, Washington, Docket No. 7995, File No. BP-5060; for construction permits and petition of Josh Higgins Broadcasting Company (KXEL) Waterloo, Iowa, for continuation of exclusive nighttime assignment on 1540 kc to Station KXEL, Docket No. 7996.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of February 1947;

The Commission having under consideration a petition filed by the applicant Patroon Broadcasting Company, on January 13, 1947, requesting that its above-entitled application for construction permit for a new standard broadcast station at Albany, New York, to operate on the frequency 1540 kc, with 10 kw power, unlimited time, employing a directional antenna, be reconsidered and granted without a hearing and an opposition thereto filed by Josh Higgins Broadcasting Company (KXEL), and

It appearing, that the application of Patroon Broadcasting Company and the remaining foregoing matters involve common issues concerning the use of the frequency 1540 kc. for nighttime operation in the United States and the manner in which allocation of stations on that frequency would best serve the public interest and contribute to an equitable distribution of facilities in accordance with the provisions of section 307 (b) of the Communications Act of 1934, as amended; and

It further appearing, that a grant of the petitioner's application without a hearing as requested may prejudice the rights and interests of the remaining parties in the above-consolidated hearing as well as prevent the Commission from making a proper determination of the allocation problem involved;

It is ordered, That the said petition of Patroon Broadcasting Company, Inc., requesting reconsideration and grant of its application without a hearing be, and it is hereby, denied.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1622; Filed, Feb. 19, 1947; 8:48 a. m.]

[Docket Nos. 7749, 8082]

SAN FERNANDO VALLEY BROADCASTING CO. AND KENNETH O. TINKHAM

ORDER SCHEDULING HEARING

In re: Application of San Fernando Valley Broadcasting Company, San Fernando, California, Docket No. 7749, File No. BP-4657; Kenneth O. Tinkham, San Fernando, California, Docket No. 8082, File No. BP-5600; for construction permits.

It appearing, that on January 30, 1947 the Commission designated the above-entitled applications for a consolidated hearing; and that no date has as yet been set for the hearing; and

It further appearing, that public interest, convenience and necessity would be served by scheduling the above-entitled proceeding for Monday, February 24, 1947, at San Fernando, California;

It is ordered, This 7th day of February 1947, that the consolidated hearing in the above-entitled proceeding be, and it is hereby, scheduled for 10:00 o'clock a. m. Monday, February 24, 1947, at San Fernando, California.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-1624; Filed, Feb. 19, 1947; 8:47 a. m.]

[Docket No. 7802]

PURITAN BROADCASTING SERVICE, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re: Application of Puritan Broadcast Service, Inc., Lynn, Massachusetts, for construction permit; Docket No. 7802, File No. BP-5117.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of January 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station at Lynn, Massachusetts, to operate on 1360 kc, with 250 w power, daytime only;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Puritan Broadcast Service, Inc. be, and it is hereby, designated for hearing, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and arears proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with stations WFEA, Manchester, New Hampshire and WDRC, Hartford, Connecticut or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Bristol Broadcasting Company, Inc. (WOCB) (BP-4588) West Yarmouth, Massachusetts, or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, especially in respect to the assignment of Class IV stations to regional channels.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-1619; Filed, Feb. 19, 1947; 8:48 a. m.]

[Docket Nos. 7933, 7934]

MERCER BROADCASTING CO. AND MOUNTAIN BROADCASTING SERVICE

ORDER TRANSFERRING PLACE OF HEARING

In re: Application of Mercer Broadcasting Company, Princeton, West Virginia, Docket No. 7933, File No. BP-4955; Mountain Broadcasting Service, Princeton, West Virginia, Docket No. 7934, File No. BP-5386; for construction permit.

The Commission having scheduled a consolidated hearing on the above-entitled applications for Thursday, February 13, 1947, at Princeton, West Virginia; and

It appearing, that public interest, convenience and necessity will be served by holding the said consolidated hearing in Washington, D. C., instead of Princeton, West Virginia;

It is ordered, This 7th day of February, 1947, on the Commission's own motion that the said consolidated hearing upon the above-entitled applications be, and it is hereby transferred from Princeton, West Virginia, to Washington, D. C., to be held on the same date as now scheduled.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-1623; Filed, Feb. 19, 1947; 8:47 a. m.]

[Docket Nos. 6090, 7162, 7991, 7992, 7993, 7994, 7995, 7996]

GALVESTON BROADCASTING CO. (KGBC) ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re: Applications of James W. Bradner, Jr. tr/as The Galveston Broadcasting Company (KGBC) Galveston, Texas, Docket No. 6090, File No. BP-5663; Roy Hofheinz and W. N. Hooper d/b as Louisiana Broadcasting Company, New Orleans, Louisiana, Docket No. 7162, File No. BP-4260; Bayou Broadcasting Company, Incorporated, Baton Rouge, Louisiana, Docket No. 7991, File No. BP-5453; Patroon Broadcasting Company, Inc., Albany, New York, Docket No. 7992, File No. BP-4611; Texhoma Broadcasting Company, Durant, Oklahoma, Docket No. 7993, File No. BP-5112; East-West Broadcasting Company, Fort Worth, Texas, Docket No. 7994, File No. BP-4524; Western Waves, Inc., Seattle, Washington, Docket No. 7995, File No. BP-5060; for construction permits and petition of Josh Higgins Broadcasting Company (KXEL) Waterloo, Iowa, for continuation of exclusive nighttime assignment on 1540 kc. to station KXEL, Docket No. 7996.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of February 1947;

The Commission having under consideration a petition, filed on January 28, 1947, by James W. Bradner, Jr., tr/as The Galveston Broadcasting Company (permittee of Station KGBC) requesting (1) that his above-entitled application (File No. BP-5663) for a construction permit to change the operating assignment of Station KGBC, at Galveston, Texas, from 1540 kc with 1 kw power, daytime only, to 1540 kc with power of 1 kw days, 250 w nights, unlimited time, and to install a directional antenna for use at night, be designated for hearing in the above-consolidated proceeding, and (2) that the hearing date thereof be postponed for 30 days; and

It appearing, that the Commission on December 5, 1946, ordered the above-entitled applications, all requesting the frequency 1540 kc, unlimited time, as follows: Louisiana Broadcasting Company, with 50 kw power, using directional antenna, at New Orleans, Louisiana; Bayou Broadcasting Company, Inc., with 250 w power, at Baton Rouge, Louisiana; Patroon Broadcasting Company, Inc., with 10 kw power, using directional antenna, at Albany, New York; Texhoma Broadcasting Company, with 250 w power, at Durant, Oklahoma; East-West Broadcasting Company, with 10 kw power, at Fort Worth, Texas; and Western Waves, Inc., with 50 kw power, using directional antenna, at Seattle, Washington and the above-entitled petition of Josh Higgins Broadcasting Company (KXEL) to be heard in a consolidated proceeding; and that the said hearing is currently set for February 17, 1947, at Washington, D. C., and

It further appearing, that petitioner's application involves common issues, with the foregoing matters, concerning the use of the frequency 1540 kc for nighttime operation in the United States and the manner in which allocation of stations on that frequency would best serve the public interest and contribute to an equitable distribution of facilities in accordance with the provisions of section 307 (b) of the Communications Act of 1934, as amended;

It is ordered, That the said petition of James W Bradner, Jr., tr/as The Galveston Broadcasting Company, insofar as it requests consolidation of its application (File No. BP-5663) be, and it is hereby, granted, and that, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of James W Bradner, Jr., tr/as The Galveston Broadcasting Company, be, and it is hereby, designated for hearing in the above consolidated hearing, currently scheduled for February 17, 1947, upon the following issues.

1. To determine the technical, financial and other qualifications of the applicant to construct and operate Station KGBC as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KGBC as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of the program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of station KGBC as proposed would involve objectionable interference with any existing broadcast station, including the present interference free service area of Station KXEL, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations; or would involve objectionable interference with broadcast service authorized in a foreign country pursuant to the provisions of International Agreements to which the United States is a party.

5. To determine whether the operation of Station KGBC as proposed would involve objectionable interference with the services proposed in any or all of the other applications in this consolidated proceeding or in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Station GKBC as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine what allocation of stations on the frequency 1540 kc would best serve the public interest and best contribute to an equitable distribution of facilities in accordance with section 307 (b) of the Communications Act of 1934, as amended, and § 3.25 (e) of the Commission's rules.

8. To determine which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the order of the Commission dated December 5, 1946, designating the above matters for hearing in a consolidated proceeding be, and is hereby, amended to include the application of James W. Bradner, Jr. tr/as The Galveston Broadcasting Company (KGBC)

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-1621; Filed, Feb. 19, 1947; 8:48 a. m.]

[Docket Nos. 8103, 7768]

FRANK E. DUHME AND FLORIDA WEST COAST BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re: Applications of Frank E. Duhme, St. Petersburg, Florida, Docket No. 8103, File No. BP-5677; Worth H. Kramer, tr/as Florida West Coast Broadcasting Company, Tampa, Florida, Docket No. 7768, File No. BP-4780; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of February 1947;

The Commission having under consideration the above-entitled application of Frank E. Duhme, requesting a permit to construct a new standard broadcast station to operate on 1300 kc, with 1 kw power, unlimited time, using a directional antenna at night, at St. Petersburg, Florida, and also having under consideration a petition by said applicant requesting that his said application be designated for hearing in a consolidated proceeding with the other application named above; and

It appearing, that the commission, on August 7, 1946, designated for hearing the application of Worth H. Kramer, tr/as Florida West Coast Broadcasting Company (File No. BP-4780, Docket No. 7768) requesting a permit to construct a new standard broadcast station to operate on 1300 kc, with 1 kw power, daytime only, at Tampa, Florida, said hearing being presently scheduled for February 20, 1947 at Washington, D. C., and

It further appearing, that said application of Frank E. Duhme was received by the Commission on January 31, 1947;

It is ordered, That said petition of Frank E. Duhme be, and it is hereby, granted, and that pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Frank E. Duhme be, and it is hereby, designated for hearing in a consolidated proceeding, to which § 1.857 of the Commission's rules and regulations shall not be applicable, with the said application of Worth H. Kramer, tr/as Florida West Coast Broadcasting Company, on February 20, 1947, at Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Worth H. Kramer, tr/as Florida West Coast Broadcasting Company (File No. BP-4780, Docket No. 7768), or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the order of August 7, 1946, designating for hearing said application of Worth H. Kramer, tr/as Florida West Coast Broadcasting Company, be, and it is hereby, amended to include the said application of Frank E. Duhme, to change issue No. 1 of said order to read as issue No. 1 stated above, and to add as issue No. 6 of said order issue No. 7 stated above.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-1620; Filed, Feb. 19, 1947; 8:48 a. m.]

EVERGREEN BROADCASTING CORP. (LICENSEE OF STANDARD BROADCAST STATION KEVR) SEATTLE, WASH.[1]

PROPOSED ASSIGNMENT OF LICENSE

The Commission hereby gives notice that on February 5, 1947 there was filed with it an application (BAL-584) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of Evergreen Broadcasting Corporation (licensee of Standard Broadcast Station KEVR) Seattle, Washington from said Evergreen Broadcasting Corporation to Western Waves, Inc. The arrangements for assignment of license of the above station are based upon a contract dated January 24, 1947 under the terms of which Evergreen Broadcasting Corporation agrees to sell to Western Waves, Inc. the entire station assets and properties of KEVR for a

[1] Section 1.321, Part I, Rules of practice and procedure.

total consideration of $190,000 payable as follows: $10,000 upon the execution of the contract; $100,000 within 10 days after KEVR's license has been assigned to Western Waves, Inc., $30,000 within 6 months after the KEVR assignment has been approved by the Commission, and $50,000 together with accrued interest at 4% on the unpaid balance within one year after the approval of the assignment by the Commission. The purchase price includes payments that will be made on that part of KEVR's equipment on which unpaid balances are due. Both Evergreen Broadcasting Corporation and A. W Talbot, owner of the entire issued stock of the corporation, have guaranteed the title that will be conveyed. Further details as to the arrangements between the parties and concerning the application may be determined from an inspection of the papers which are on file at the offices of the Commission in Washington, D. C.

On July 25, 1946 the Commission adopted Rule 1.388 (known as § 1.321 effective September 11, 1946) which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application. Pursuant thereto the Commission was advised by applicants by letter dated February 5, 1947 that starting on February 6, 1947 notice of the filing of the application would be inserted in a local newspaper of general circulation in Seattle, Washington in conformity with the above rule.

In accordance with the procedure set out in said rule no action will be had upon the application for a period of 60 days from February 6, 1947 within which time other persons desiring to apply for the facilities may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b) 48 Stat. 1086; 47 U. S. C. A. 310 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1625; Filed, Feb. 19, 1947; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-856]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

ORDER FIXING DATE FOR HEARING AND CONSOLIDATING PROCEEDINGS FOR PURPOSE OF HEARING

FEBRUARY 13, 1947.

Upon consideration of the application of Kansas-Nebraska Natural Gas Company, Inc., filed pursuant to section 7 of the Natural Gas Act, as amended;

It appears to the Commission that:

(a) Kansas-Nebraska Natural Gas Company, Inc. ("Applicant") a Kansas corporation engaged in the transportation and sale of natural gas in the States of Kansas and Nebraska filed on February 7, 1947, an application for a certificate of public convenience and necessity for authority to acquire, maintain and operate the following facilities, to-wit:

(i) A certain gas pipe line consisting of approximately 29,502 feet of 16-inch and 692 feet of 12¾-inch pipe, extending from a point in the Northeast Quarter of Section 5, Township 25 South, Range 35 West; thence southwesterly to a point approximately in the center of Section 22, Township 25 South, Range 36 West; all in Kearny County, Kansas;

(ii) Together with an 8-inch meter run in the northeast corner of said Section 5; a tract of one acre in the northeast corner of said Section 5, and certain improvements thereon.

(b) The above facilities are to be acquired as of May 13, 1946 and are now owned by Kansas Natural Gas, Inc.

(c) Applicant proposes to pay $75,256.82 for the above facilities from current funds and will assume as of and from and after May 13, 1946, all obligations of Kansas Natural Gas, Inc. with respect to and connected with the aforesaid facilities; that no increase in total revenues is expected to accrue from the acquisition; and that total fixed charges and operating expenses will be increased.

(d) The proposed acquisition is related to and should be consolidated for hearing with the proceedings now set for hearing to wit: Kansas-Nebraska Natural Gas Company, Inc., Docket No. G-806; The Fin-Ker Oil and Gas Production Company, Docket No. G-352; The Tri-County Gas Company, Docket No. G-325; and Kansas Natural Gas, Inc., Docket No. G-494.

The Commission orders that:

(A) Pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on the 4th day of March 1947 at 10:00 a. m. in Room 204, Main Postoffice Building, Wichita, Kansas.

(B) The hearings in proceedings, Kansas-Nebraska Natural Gas Company, Inc., Docket No. G-856; Kansas-Nebraska Natural Gas Company, Inc., Docket No. G-806; The Fin-Ker Oil and Gas Production Company, Docket No. G-352; The Tri-County Gas Company, Docket No. G-325; and Kansas Natural Gas, Inc., Docket No. G-494 now set for hearing at the same time and place to wit: the 4th of March at 10:00 a. m. in Room 204, Main Postoffice Building, Wichita, Kansas, be and the same hereby are consolidated for hearing.

(C) Interested State Commissions may participate as provided by rule (18 CFR 1.8 and 1.37 (b)) of the Commission's rules of practice and procedure.

Date of issuance: February 17, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1601; Filed, Feb. 19, 1947; 8:49 a. m.]

[Docket No. G-234]

BORDER PIPE LINE CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

FEBRUARY 17, 1947.

Notice is hereby given that, on February 14, 1947, the Federal Power Commission issued its findings and order entered February 13, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1614; Filed, Feb. 19, 1947; 8:46 a. m.]

[Docket No. G-805]

TENNESSEE GAS AND TRANSMISSION CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

FEBRUARY 17, 1947.

Notice is hereby given that, on February 14, 1947, the Federal Power Commission issued its findings and order entered February 13, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1615; Filed, Feb. 19, 1947; 8:46 a. m.]

[Docket No. G-823]

MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

FEBRUARY 17, 1947.

Notice is hereby given that, on February 17, 1947, the Federal Power Commission issued its findings and order entered February 13, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1616; Filed, Feb. 19, 1947; 8:45 a. m.]

[Docket No. G-858]

OHIO FUEL GAS CO.

NOTICE OF APPLICATION

FEBRUARY 13, 1947.

Notice is hereby given that on February 4, 1947, The Ohio Fuel Gas Company, an Ohio corporation with its principal place of business at Columbus, Ohio, filed with the Federal Power Commission an application, pursuant to section 7 of the Natural Gas Act, as amended, for: (1) A certificate of public convenience and necessity for authority to construct and operate about 90 miles of 20-inch O. D.

gas transmission pipe line located in Lawrence, Gallia, Jackson, Vinton, Hocking and Fairfield Counties, Ohio, extending from near the Village of Burlington, Ohio, about two miles to South Point Compressor Station and from there about 88 miles to Crawford Compressor Station, substantially paralleling and replacing an existing 18-inch pipe line, designated by the company as Line R–300, between South Point and Lick compressor stations and replacing several smaller lines between Lick and Crawford compressor stations; additions to South Point Compressor Station in Fayette Township, Lawrence County, Ohio, consisting of two 600-horsepower gas engine compressor units and modifications and additions to auxiliary equipment, for the transportation and sale of natural gas; and (2) permission and approval permitting the abandonment upon completion of the above-described facilities of the existing line, designated by the company as Line R–300, of approximately 41 miles between South Point and Lick compressor stations, about 150 miles of various sizes lines ranging from four inches to 18 inches between Lick and Crawford compressor stations and Lick Compressor Station.

Applicant states that it is anticipated that about 63 miles of the required 20-inch transmission pipe line can be secured during 1947, and that the delivery schedule will be such as to permit initiation of pipe line construction in June 1947 and completion by December 15, 1947. The remaining 27 miles of pipe line, together with the additions to the South Point Compressor Station, will be completed in 1948. The existing pipe line facilities between South Point and Crawford compressor stations and Lick Compressor Station can be withdrawn from service upon completion of the new 20-inch line in 1948, but physical removal from the ground will probably not be completed until the spring of 1949.

Applicant further states that the facilities herein proposed are necessary for the rendition of adequate and continued service to applicant's present markets and customers; that they are not for the protection or benefit of any particular markets or group of customers; and neither is it contemplated that additional markets will be served. The total capital cost of the facilities to be constructed is estimated at $3,655,620, to be financed by Columbia Gas and Electric Corporation.

Any interested State commission is requested to notify the Federal Power Commission whether the application shall be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and further to specify whether it desires a conference, the creation of a board, or a concurrent hearing as defined in said rule and the reasons for such request.

The application of The Ohio Fuel Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946) and shall set out clearly and concisely the facts from which the nature of the petitioner or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding, so as to advise the parties and the Commission as to the issues of fact or law to be raised or controverted, by admitting, denying, or explaining specifically and in detail, each material allegation of fact or law asserted with respect to the application.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47–1585; Filed, Feb. 18, 1947; 8:50 a. m.]

[Docket No. G–857]

UNITED FUEL GAS CO.

NOTICE OF APPLICATION

FEBRUARY 13, 1947.

Notice is hereby given that on February 3, 1947, United Fuel Gas Company, a West Virginia corporation with its principal place of business at Charleston, West Virginia, a subsidiary of Columbia Gas and Electric Corporation, filed with the Federal Power Commission an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, for authority to construct and operate the following facilities, to wit:

(a) 10 miles of 20-inch O. D. gas transmission pipe line, extending from a tap on the Tennessee Gas and Transmission Company pipe line, near Ceredo, West Virginia, northwest to the Ohio River;

(b) A multiple river crossing across the Ohio River, terminating near Burlington, Ohio, to connect with a pipe line to be constructed by The Ohio Fuel Gas Company, an affiliate, extending from near Burlington, Ohio, to Ohio Fuel's South Point Compressor Station, a distance of approximately two miles; and

(c) A measuring station and office on the south bank of the Ohio River near Ceredo, West Virginia.

Applicant states that the above facilities to be constructed will increase the capacity of its transmission facilities to permit the delivery of an additional 51,000 Mcf of natural gas per day to The Ohio Fuel Gas Company. The estimated total over-all capital cost of the proposed facilities is $743,000, to be financed by Columbia Gas & Electric Corporation.

Any interested State commission is requested to notify the Federal Power Commission whether the application shall be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter, and further, to specify whether it desires a conference, the creation of a board, or a concurrent hearing as defined in said rule, and the reasons for such request.

The application of United Fuel Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946) and shall set out clearly and concisely the facts from which the nature of the petitioner or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding, so as to advise the parties and the Commission as to the issues of fact or law to be raised or controverted, by admitting, denying, or explaining specifically and in detail, each material allegation of fact or law asserted with respect to the application.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47–1584; Filed, Feb. 18, 1947; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 672–A]

UNLOADING OF BEER AT COLUMBIA, S. C.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 14th day of February A. D. 1947.

Upon further consideration of Service Order No. 672 (12 F R. 855), and good cause appearing therefor it is ordered, that:

(a) Service Order No. 672, *Beer at Columbia, S. C., on A. C. L. RR., be unloaded,* be, and it is hereby, vacated and set aside.

It is further ordered, that this order shall become effective at 11:59 p. m., February 17, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 418, 41 Stat. 476, 484, secs. 4, 10, 54 Stat. 901, 911, 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W P BARTEL,
Secretary.

[F. R. Doc. 47–1605; Filed, Feb. 19, 1947; 8:48 a. m.]

[S. O. 396, Special Permit 116]

RECONSIGNMENT OF TOMATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., February 11, 1947, by E. L. Oliver, of car PFE 62326, tomatoes, now on the Chicago Produce Terminal, to Aaron Rosenthal, New York, N. Y. (P. RR.) account extreme weather.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 11th day of February 1947.

V. C. CLINGER,
Director
Bureau of Service.

[F. R. Doc. 47-1570; Filed, Feb. 18, 1947; 8:47 a. m.]

[S. O. 396, Special Permit 117]

RECONSIGNMENT OF POTATOES AT LEXINGTON, KY.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Lexington, Ky., February 11, 1947, by National Produce Co., of car FGE 20023, potatoes, now on the Louisville and Nashville RR., to O. F. Young, Asheville, N. C. (L. & N.-Sou.)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 11th day of February, 1947.

V. C. CLINGER,
Director
Bureau of Service.

[F. R. Doc. 47-1571; Filed, Feb. 18, 1947; 8:47 a. m.]

[S. O. 396, Special Permit 118]

RECONSIGNMENT OF TOMATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., February 11, 1947, by Gust Rellas, of car PFE 96770, tomatoes, now on the Chicago Produce Terminal, to Atlantic Commission Co., Milwaukee, Wis. (C&NW), account extreme weather.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 11th day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1572; Filed, Feb. 18, 1947; 8:47 a. m.]

[S. O. 396, Special Permit 119]

RECONSIGNMENT OF APPLES AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., February 12, 1947, by M. Rosen Co., of car WFE 61941, apples, now on the Baltimore and Ohio RR., to C. E. Merrill Co., New York, N. Y. (B&O-Erie del'y)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1573; Filed, Feb. 18, 1947; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1442]

FLORIDA POWER & LIGHT CO. AND AMERICAN POWER & LIGHT CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 13th day of February A. D. 1947.

Notice is hereby given that a joint declaration and amendment thereto have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935, by American Power & Light Company ("American") a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, and American's electric utility subsidiary, Florida Power & Light Company ("Florida") Declarants designate sections 6 (a) (2) 7 and 12 (c) of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than February 24, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after February 24, 1947 said declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration, as amended, which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Florida proposes to amend its charter in the following respects: (a) to change its presently outstanding 2,500,000 shares of common stock without nominal or par value, all of which are owned by American, to 2,000,000 shares of common stock without nominal or par value, but without any change in the aggregate stated value, said 2,000,000 shares to be issued to American in exchange for its presently held shares of Florida; (b) to increase its authorized capital stock to 20,000,000 shares without nominal or par value; (c) to provide for preemptive rights to stockholders with respect to any offering of common stock, or security convertible into common stock, for money, other than with respect to a public offering of such shares; (d) to provide that the consideration received by the company from the issuance and sale of any additional shares of common stock without par value, shall be entered in the capital stock account; (e) to provide for cumulative voting for the holders of

shares of common stock; (f) to delete all references to preferred stock in the present charter; (g) to increase the number of directors from 5 to 9; (h) to provide that certificates of stock of the corporation may be signed by certain designated officers.

Declarants request that the Commission's order permitting the declaration herein as amended to become effective be issued as promptly as may be practicable and that it shall be effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F R. Doc. 47-1599; Filed, Feb. 19, 1947; 8:46 a. m.]

[File No. 70-1451]

NORTH AMERICAN CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 12th day of February 1947.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") by The North American Company. Declarant designates section 12 (d) of the act and Rules U-43 and U-44 promulgated under the act as applicable to the proposed transaction.

Notice is further given that any interested person may not later than February 19, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter said declaration as filed or as amended may be granted as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act Any such request should be addressed: Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration which is on file in the office of the said Commission for a statement of the transactions therein proposed which are summarized below.

The North American Company proposes to pay on April 1, 1947, a dividend to its holders of common stock of record on March 3, 1947. Such dividend will be payable in the common stock of Pacific Gas and Electric Company having a par value of $25 per share, owned by The North American Company, at the rate of one share of common stock of Pacific Gas and Electric Company on each 100 shares of the common stock of The North American Company outstanding. No certificates will be issued for fractions of shares of stock of Pacific Gas and Electric Company, but, in lieu thereof, cash will be paid at the rate of forty-two cents for each 1/100 of a share of stock of Pacific Gas and Electric Company, this rate being based on the approximate market price of $42 per share as of February 7, 1947, the date on which the proposed dividend was declared. The North American Company estimates that the payment of the above-mentioned dividends will involve the distribution of not more than 75,000 shares of the 210,798 shares of common stock of Pacific Gas and Electric Company owned by it and use of not more than $560,000 of cash, and that the payment of such dividend will result in a charge of approximately $2,900,000 to earned surplus.

The North American Company has requested that the Commission enter an order permitting said declaration to become effective on or before February 21, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1598; Filed, Feb. 19, 1947; 8:46 a. m.]

[File No. 70-1457]

NATIONAL GAS & ELECTRIC CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 14th day of February A. D. 1947.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to section 7 of the Public Utility Holding Company Act of 1935, by National Gas & Electric Corporation, a registered holding company.

Notice is further given that any interested person may, not later than February 26, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after February 26, 1947, said declaration as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

On August 8, 1946, this Commission entered its Findings, Opinion and Order (File No. 70-1317) wherein it approved, among other things, the issuance and sale by National Gas & Electric Corporation of its six month Notes in the aggregate principal amount of $2,100,000 at an interest rate of 1¾% per annum, pursuant to a loan agreement, to Continental Illinois National Bank and Trust Company of Chicago, Girard Trust Company of Philadelphia and The Continental Bank and Trust Company of New York. Such loan agreement provided that the Notes might be renewed for an additional six month period at the same interest rate (1¾%) upon payment by National Gas & Electric Corporation of a fee of ¼ of one per cent of the principal amount so renewed.

National Gas & Electric Corporation proposes to renew the above mentioned Notes, pursuant to the loan agreement, for an additional six month period, beginning February 20, 1947, at the interest rate of 1¾% per annum upon payment of a fee of ¼ of one per cent of the principal amount so renewed. The company states that the aggregate principal amount of such notes proposed to be renewed is $1,100,000.

Section 7 of the act has been designated as being applicable to the proposed transaction and the company requests that the Commission's order permitting the declaration to become effective be issued at the earliest date possible and that it becomes effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1600; Filed, Feb. 19, 1947; 8:46 a. m.]